

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1353146-000

Total Deleted Page(s) = 13

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FEDERAL BUREAU OF INVESTIGATION
DISPOSITION OF CONSENSUAL MONITORING
ELECTRONIC SURVEILLANCE (ELSUR) MEDIA
ACQUIRED IN CRIMINAL INVESTIGATION

Part I Basic Information & Documentation
To be completed by the ELSUR Operations Technician (EOT)

66F-MW-A882-F

Case ID #: see spreadsheet for specific cases

Destruction File: 321B-MW-A45110-FD986

EOTs are to ensure each case meets the following requirements before submitting the case file for review:

1. Is the case closed?* ☒ Yes ☐ No
2. Has 11 years elapsed since the date of the last interception? ☒ Yes ☐ No
3. Has a check of Litigation Freeze list been completed with negative results?
Date checked. 09/24/2015 ☒ Yes ☐ No

*If the case is in a pending/inactive status because of the disposal of weapons, drugs, or forfeiture items, the ELSUR media may be disposed of. Contact EPMU for guidance.

- ☐ For Non-Automated cases - Pre-UCFN Non-Bar-Coded evidence:
Follow instructions provided by EC 268-HQ-1670685 Serial 184.
- ☒ For automated cases in Sentinel or ACS:
Verify case is available for review in Sentinel/ACS

Note: Case files are not required for review unless requested by Agent.

Total 1B/1D items: see spreadsheet

EOT:

09/24/2015
(Date)

b6
b7c

FEDERAL BUREAU OF INVESTIGATION
DISPOSITION OF CONSENSUAL MONITORING
ELECTRONIC SURVEILLANCE (ELSUR) MEDIA
ACQUIRED IN CRIMINAL INVESTIGATION

Part II Review and Destruction Authorization
To be completed by the Special Agent (SA) or Supervisory Special Agent (SSA)

Review EOTs Part I can be accomplished by the SA or the SSA.

1. To the best of your knowledge, does the evidence contain historical value (i.e.: data from a national known figure or event that was prominent in the national news?*) ☐ Yes ☒ No

*"If the field office believes the case has historical value, the recordings are to be maintained by the ELSUR Unit. Further guidance can be requested from EPMU."

Based upon applicable regulations and FBI Guidelines governing the destruction of original ELSUR Consensual Monitoring media acquired during the course of a criminal investigation and the information presented to me herein:

☒ I authorize the destruction of this media by "approved destruction method" under the guidelines set by the Security Division.

☐ I decline to authorize the destruction of this media pending further action/interest. Media will remain in ELSUR storage under the custody and control of the EOT.

Note instructions if any:

SA/SSA: _____

[Redacted Signature Box]

9.25.05
(Date)

b6
b7C

Title: SSA

FEDERAL BUREAU OF INVESTIGATION
DISPOSITION OF CONSENSUAL MONITORING
ELECTRONIC SURVEILLANCE (ELSUR) MEDIA
ACQUIRED IN CRIMINAL INVESTIGATION

Part III Basic Information

To be completed by the ELSUR Operations Technician (EOT)

Upon completion of the FD-986 in part, or in whole, regardless if the approval was granted or denied, complete the following:

- ☐ 1. For Non-Automated cases, place the original FD-986 in the last volume of the main case file.
- ☒ 2. For Automated cases in Sentinel, upload a copy of the FD-986 to the case file in Sentinel.

If the destruction of the ELSUR media has been approved, complete the following checklist.

- ☒ 1. For Automated cases in Sentinel, annotate the disposition on each corresponding record in Sentinel.
- ☐ 2. For ACS cases that have not been migrated into Sentinel, annotate the disposition on each corresponding record in ACS.
- ☒ 3. Remove ELSUR from the cover of each main case file, each sub-file and exhibits.

Physical destruction of ELSUR media by "approved destruction method" was accomplished or arranged by:

EOT:

10/08/2015
(Date)

b6
b7C

FEDERAL BUREAU OF INVESTIGATION
OTHER ELSUR MEDIA PERTAINING TO CRIMINAL/NONCRIMINAL
MATTERS

Part I Basic Information

To be completed by the ELSUR Operations Technician (EOT)

66F-MW-A882-F

Case ID #: see spreadsheet for specific cases

Destruction File: 321B-MW-A45110-FD989

EOTs will complete the following information and submit to SA for review and approval:

Type of Evidence:

- ☒ Volunteered: _____
- ☒ Subpoenaed: _____
- ☒ Other (ELSUR Related Techniques): _____

Case Review:

- ☐ For Non-Automated cases Pre-UCFN Non-Bar-Coded:
Follow instructions provided by EC 268-HQ-1670685 Serial 184.
- ☒ For automated cases created in Sentinel and ACS:
Verify case is available for review in Sentinel/ACS

Total 1B/1D items: see spreadsheet

EOT:

(Print Name)

09/24/2015
(Date)

b6
b7C

FEDERAL BUREAU OF INVESTIGATION
OTHER ELSUR MEDIA PERTAINING TO CRIMINAL/NONCRIMINAL
MATTERS

Part II Eligibility Review of Media and Destruction Authorization
To be completed by the Special Agent (SA)

VOLUNTEERED MEDIA:

When volunteered media is determined to no longer have evidentiary value or to no longer serve a purpose it may be destroyed. If a request was submitted to have the media returned, a reasonable attempt should be made to return the media to the contributor.

1. Has a reasonable time elapsed since media was received by the FBI? * ☒ Yes ☐ No
2. Has investigative or evidentiary value of media ceased? ☒ Yes ☐ No
3. If requested to be returned, was attempt successful? ☒ Yes ☐ No

If unable to return the media, provide specifics regarding contacts with contributor/originator along with attempts to return media.

*Reasonable period of time determined by holding field office.

SUBPOENAED MEDIA/ OTHER (ELSUR Related Techniques):

Media subpoenaed or collected by the FBI through Other ELSUR related techniques not having a legal status may be disposed of when the media is deemed to be of no evidentiary value to the FBI.

1. Has investigative or evidentiary value of media ceased? ☒ Yes ☐ No

Based upon applicable regulations and FBI Guidelines governing the destruction of Volunteered/Subpoenaed and/or Other ELSUR media acquired during the course of an FBI investigation and the information presented to me herein:

☒ I authorize the destruction of this media by "approved destruction method" under the guidelines set by the Security Division.

☐ I decline to authorize the destruction of this media pending further action/interest. Media will remain in ELSUR storage under the custody and control of the EOT.

Note instructions if any: _____

SA: _____

(Signature)

9-15-16

(Date)

b6
b7c

FEDERAL BUREAU OF INVESTIGATION
VOLUNTEERED/SUBPOENAED AND OTHER ELSUR MEDIA PERTAINING TO
CRIMINAL/NONCRIMINAL MATTERS

Part III Disposition and Recordkeeping Requirements
To be completed by the ELSUR Operations Technician (EOT)

Upon completion of the FD-989 in part, or in whole, regardless if the approval was granted or denied, complete the following:

- ☐ 1. For Non-Automated cases place the original FD-989 in the last volume of the main case file.
- ☒ 2. For Automated cases in Sentinel, upload a copy of the FD-989 to the case file in Sentinel.

If the destruction of the ELSUR media has been approved, complete the following checklist.

- ☒ 1. For Automated cases in Sentinel, annotate the disposition on each corresponding record in Sentinel.
- ☐ 2. For ACS cases that have not been migrated into Sentinel, annotate the disposition on each corresponding record in ACS.
- ☒ 3. Remove ELSUR from the cover of each main case file, each sub-file and any exhibits.

Physical destruction of ELSUR media by "approved destruction method" was accomplished or arranged by:

EOT:

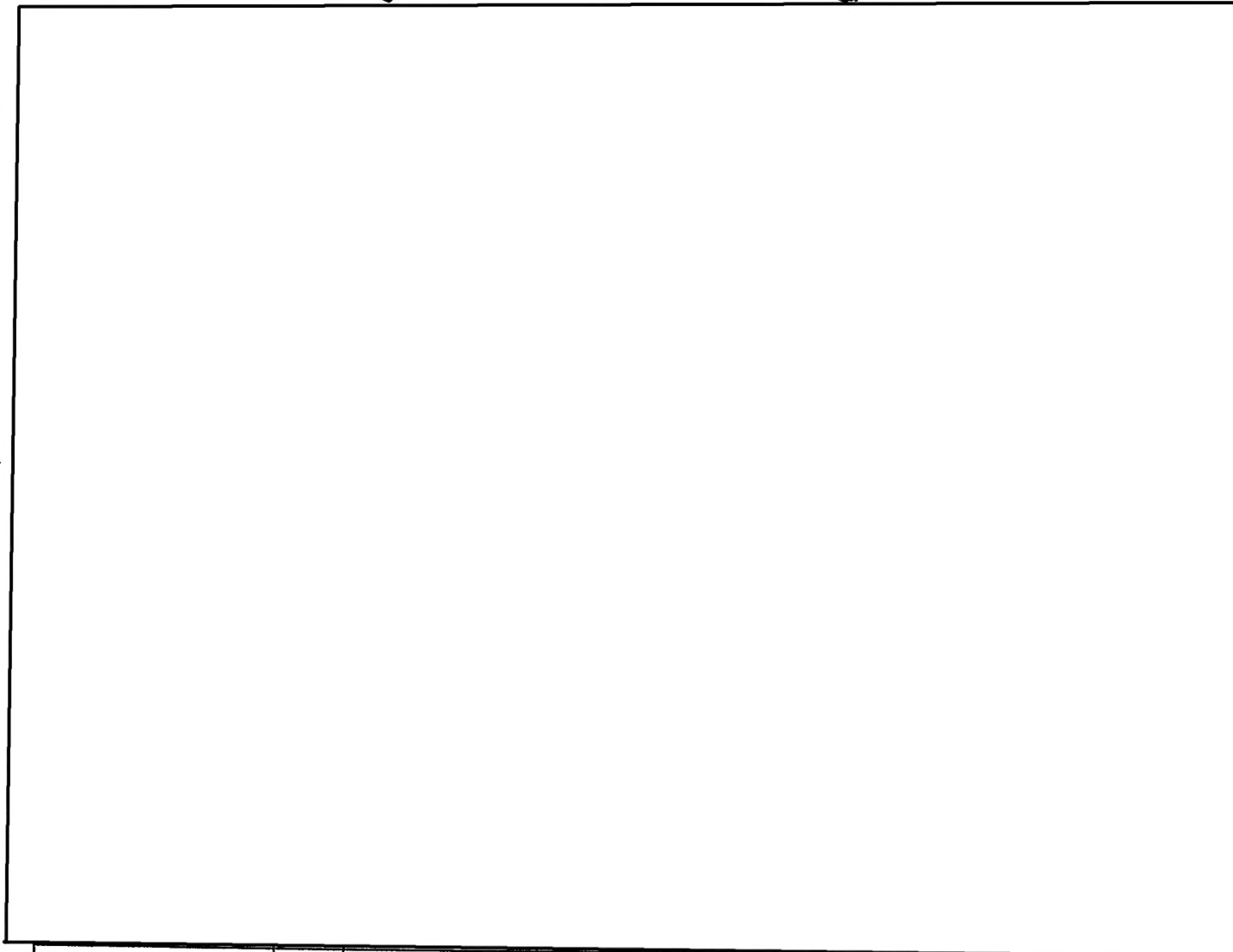
[Redacted]

(Print Name)

[Redacted]

10/08/2015
(Date)

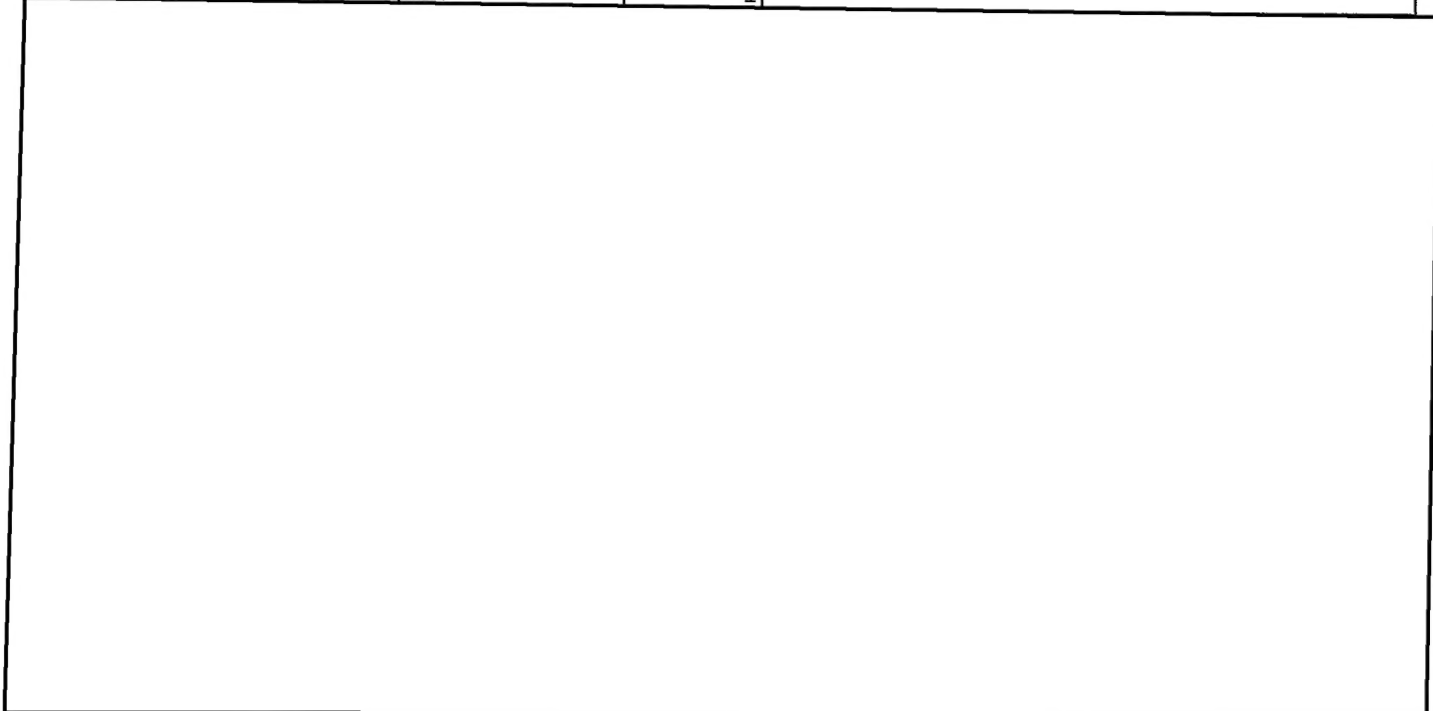
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MW 194-35

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1



(Mount Clipping in Space Below)

Judge denies part in prostitution

By ELDON KNOCH
Sentinel Madison Bureau

Madison — Iron County Circuit Judge Alex Raineri, taking the Federal Court witness stand in his own defense Thursday, denied any part in alleged prostitution activities at the Show Bar in Hurley.

He said he did not hire or pay dancers at the bar, testified that handwriting on dozens of Show Bar canceled checks and check stubs was not his and denied threatening a witness.

He also said he had never had an affair with Show Bar owner Cira Gasbarri.

Of the Show Bar operations and Ms. Gasbarri, Raineri said: "She never asked me to help her."

"No, I'm not in that line of work," he said. "I know even less than she does about the bar business."

Raineri, suspended from the bench pending outcome of the trial, has pleaded not guilty to three counts of promoting prostitution, one count of lying to a grand jury and one count of obstructing justice by threatening a witness.

Under cross-examination by US Atty. Frank Tuerkheimer, Raineri said he and Ms. Gasbarri were only "good friends."

He also testified he never saw her on an airplane when he flew from Minneapolis to Reno, Nev., in September 1978.

However, when Tuerkheimer showed him copies of airline tickets

stating "A. Raineri" and "C. Gasbarri," Raineri stated, "The tickets show me (that) she was on that flight."

During nearly four hours on the stand, including three hours of questioning by the prosecutor, Raineri several times contradicted his March 18 testimony before the grand jury.

On Wednesday, Father Joseph Polakowski, Ironwood, testified Raineri and a woman, whom the defense claims is Ms. Gasbarri, told the priest in 1979 they were having "very intimate relations" and that Raineri was unfaithful to his wife, Doris.

Raineri denied that Thursday, saying the priest misunderstood the situ-

(Indicate page, name of newspaper, city and state.)

A-1

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/12/80
Edition: FINAL

Title:

Character:

or

Classification: 194-35 4/73
Submitting Office:

MILWAUKEE

b6
b7C

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of grand jury testimony given by Raineri March 18 that indicated Ms. Gasbarri was "very proud" to meet suspended Milwaukee County Circuit Judge Christ Seraphim.

ation. "I told him Ciria and I and my wife chummed around together," the judge said.

Tuerkheimer zeroed in on Raineri's trip to a judicial conference in Reno in September 1978.

Raineri has testified under oath to two different ways of how he met Ms. Gasbarri in Reno.

He said before the grand jury that he "ran into her sister just by accident" in the casino and learned Ms. Gasbarri was in town.

On Thursday, he testified Ms. Gasbarri surprised him by knocking on his motel room door.

He said his grand jury statement was "in error."

Tuerkheimer released transcripts

Raineri was asked by Tuerkheimer whether he and Ms. Gasbarri ever met with Seraphim.

"Yeah, that's the one thing she wanted to do," Raineri replied.

"The one time she wanted to go to Milwaukee she wanted to know if she could meet Judge Seraphim, and I said I would be glad to introduce her.

"And I took her over to the Safety Building and I introduced her to Judge Seraphim. She was very proud of it."

Raineri said Seraphim invited them to his apartment for a drink.

He said another woman was at the apartment and Seraphim identified her as his niece.

(Mount Clipping in Space Below)

Raineri denies bar connection

By Richard C. Kienitz
Journal Madison Bureau

Madison, Wis. — Alex J. Raineri, taking the Federal Court witness stand for the first time Thursday in his defense, denied having any connection with the operation of the former Show Bar in Hurley where dancers were allegedly involved in prostitution.

Raineri, 62, who has been suspended as Iron County circuit judge, said his only connection with the bar was as a family friend of the owners — Cira Gasbarri and her late husband, Jack — and as an attorney for the club before he became judge in 1978.

Gasbarri, the chief prosecution witness, had testified that Raineri helped her run the business and that they had an affair although she later grew to hate him.

Denies paying bill

Raineri followed 19 defense witnesses to the stand. He was indicted in June by a federal grand jury on three counts of participating in a business allegedly involved in prostitution across the Wisconsin-Michigan state line and one count each of perjury before a grand jury and threatening a potential witness.

Raineri denied paying a Show Bar electric bill, accepting linen for the bar from a Minnesota company or having anything to do with a Show Bar dancer cashing a paycheck that was handled through banks across the state line.

He said Mrs. Gasbarri was a poor bar manager. "The place was closed half the time. She didn't put the time in to manage her own interest ... but I know less than she does about the bar business," Raineri said.

Raineri also denied that he had told a priest he was having an affair with Gasbarri.

(Indicate page, name of newspaper, city and state.)

A-21

MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12/12/80
Edition: LATEST

Title:

Character:
or
Classification:
Submitting Office:
MILWAUKEE

b6
b7C

Shooting Incident

On Wednesday, Father Joseph Polakowski of Holy Trinity Catholic Church, Ironwood, Mich., testified that Raineri and a woman matching the description of Gasbarri had come to him to discuss a shooting incident. The priest said Raineri told him that in their relationship he had even gone so far as to have intimate relations.

Raineri said Thursday that he had never had a physical relationship with Gasbarri. But he added, "I think (the priest) thought there was something going on that was not beneficial."

As a result, Raineri said, the priest advised him to "stay with your wife and Cira should get out of the picture" and find someone more her own age.

Cross-examined by US Atty. Frank Turkheimer, Raineri insisted that the words "go back to your wife" were not used.

Raineri said Gasbarri had pulled a gun on him when he refused to help her with some paperwork for the bar after he became a judge. He said she fired at him but missed.

Raineri admitted giving Gasbarri rides to Milwaukee when he went there on business and said he coincidentally met her in a bar in Fond du Lac when he was there after a tour of the state prison with other judges.

He said a \$2,250 check signed by him that paid for part of a car Gasbarri purchased was a loan because she told him that she did not have enough ready money after her husband died in 1975.

Trip to Nevada

Testifying on a charge that he lied to the grand jury when he denied that he traveled to Reno, Nev., in September 1978 with Gasbarri, Raineri said: "I believed I went alone."

"I don't remember her being there" on the plane, he said.

Raineri said he drove from Milwaukee to Minneapolis alone to catch the plane. He conceded that airline records that indicated the two to have been on the same plane "would be much more accurate than my memory," but added that he had not been shown those records in his grand jury appearance.

The judge said Gasbarri had tried to talk him into taking both her and his wife along to Reno but he said he didn't have time "to fool around with anybody" because he was going to take a crash course at a seminar for judges.

He added that a week after he bought his ticket Gasbarri asked him to arrange a ticket for her to Reno so she could go to California from there by another airline to see her mother. He paid for her ticket, he said, but did not send the check until she paid him in cash first.

Raineri said that the first time he remembered seeing Gasbarri in Reno was at the Holiday Inn with her sister and brother three or four days after he got there. He admitted it was an error if he told the grand jury he could have spent a day with her, "because I had to go to school."

(Mount Clipping in Space Below)

Hurley of the past arises one more time

By Bill Stokes

Journal Madison Bureau

Madison, Wis. — It is a sleazy show in Federal Court here. It is like a wrinkled old stripper wiggling out of her scruffy underwear one last time, and nobody wants to watch.

It is the trial of the Hurley judge, and it grinds on day after day like a tasteless wake for the hell-raising, whoring Hurley of the past.

That Hurley, aged and faded, died finally on an April night in 1979 when the Show Bar went up in flames. But out of the Silver St. ashes there arose the invincible spirit of tawdry sex and Bacchanalian machinations. That old spook in its soiled sheet was booked into town here through a federal indictment that charges Judge Alex Raineri with helping run the Show Bar while prostitution was taking place, lying to a grand jury about it and trying to intimidate a witness.

So now in court here, just a couple of blocks up from where Madison tries to make life difficult for local pimps and prostitutes, people follow

one another to the witness stand like cats being plucked out of a garbage can.

The 62-year-old judge, who was suspended last June pending the outcome of charges against him, sits impassively at the defense table with his two young attorneys, Gene and Daniel Linehan, and watches the witnesses. A district attorney in Iron County for 17 years before he became circuit judge in 1978, Raineri wears gold-rimmed glasses, is mostly bald and has a slightly ruddy complexion. His mouth turns down sharply at the corners and he wears white shirts and paisley ties. His wife, Doris, sits nearby in the spectator section.

Raineri listens as witnesses tell of seeing him count prostitution and bar receipts with Show Bar owner Cira Gasbarri, advising her to "let the girls mingle with the customers" and telling her not to worry about the law because any enforcement would have to be done through his office.

Gasbarri, Cuban-born and speak-

ing with a strong accent, is the government's chief witness, and as the trial progresses she emerges as the lead character in the Hurley soap opera. She testified that she and the judge were once lovers, and that he took her on trips and bought her clothing.

The perjury charge against Raineri grew out of his denial that he and Gasbarri traveled together to Reno in 1979.

In the warm and orderly courtroom just off Capitol Square, the witnesses respond to questions about "masturbation in the booths" and \$35 bottles of champagne and prostitutes taking men upstairs.

One told of seeing the judge in his underwear at Gasbarri's home and another of Gasbarri going crazy and sitting on the floor with a bottle of brandy.



Alex Raineri

Another said prostitutes threatened to "burn the joint down" unless they were allowed to continue working at the Show Bar.

One witness said she worked for Gasbarri for years and was paid in cash, which, she said, she did not report as taxable income because "nobody ever told me you had to pay taxes on cash." The witness testified that she had served time for

manslaughter, that Raineri did not go into the Show Bar and that no prostitution was allowed there.

Another witness told of lending Gasbarri \$2,000 so she could send her relatives back to California and then of tearing shingles off her house when she would not pay him back. The witness said Gasbarri flushed \$500 down the toilet rather than pay him back. He said he did not see her flush it away but she had it in her hand when she went into the bathroom and he didn't see it when she came back out.

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12/11/80
Edition: LATEST

Title:

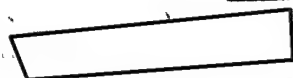
Character:

or

194-35-475

Classification:

Submitting Office: MILWAUKEE



DEC 11 1980

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Better things to do

There is a lot of testimony alleging bizarre and outrageous activity on the part of the former Show Bar crowd. At times, US Atty. Frank Tuerkheimer has difficulty shaping his law school vocabulary to fit into this more earthy situation.

But the big federal washing machine grinds away at the dirty linen from way up north, and Hurley makes yet another series of sordid headlines. One of the witnesses said nobody around Hurley was paying much attention to what was going on in the Madison courtroom. "Nobody really cares all that much," said Pete Ramuta, a tavernkeeper. "They've got better things to think about."

Raineri has said that if acquitted he might not return to the bench. He cites the possibility that the trial might leave the impression that he could not be totally neutral and therefore should not be a judge. Raineri faces a fine up to \$45,000 and up to 25 years in prison if convicted. He said the trial had affected his health and embarrassed him professionally.

So he sits through the trial that began just before Thanksgiving and might run until Christmas, and across the room from him the jurors also sit and listen to decide his fate.

Nobody wants to be here. It's a lousy show. Federal Judge Barbara Crabb keeps it moving slowly, going through seemingly endless hours of contradictory testimony about what went on in the shadowy confines of the Show Bar. The post-lunch yawn that she does not totally hide is perhaps a symbolic review of what is being staged here.

Sisters say judge never paid them

By Claire Simmons
Associated Press

Two sisters who tended bar at a Hurley tavern testified Tuesday in U.S. District Court that they were once told to get their wages from Circuit Judge Alex Raineri but that they never received money from Raineri.

Nancy Gross testified that a former Show Bar employee, Bernice DiGiorgio, once fired all the dancers and bartenders working at the Show Bar in Hurley.

"She told us to get our checks from Raineri," Mrs. Gross said, adding that she thought Mrs. DiGiorgio was drunk at the time.

Later in the day, Paulette Osmak, Mrs. Gross' sister, testified that she once had trouble getting her wages while she worked at the Show Bar.

"My sister (Patricia Colassaco) told me that if I wanted to get paid, to get my money from Alex Raineri," Mrs. Osmak said.

The sisters testified in the 10th day of the trial of Raineri, who is accused of three counts of using interstate facilities to promote prostitution, one count of lying to a federal grand jury and one count of threatening a witness.

Raineri, 62, was Iron County district attorney for 18 years before becoming judge in 1977. He has pleaded innocent to the charges.

Mrs. Gross and Mrs. Osmak both testified that they did not see any prostitution at the Show Bar but later said that they overheard dancers and customers making "dates" at the bar.

"I heard people making dates with dancers," Mrs. Gross said, adding that the dates were to take place after the bar was closed for the night. Mrs. Osmak said she heard dancers "making dates" while she worked at the bar.

Mrs. Gross and Mrs. Osmak both testified that their brother, Kenneth Colassaco, a Hurley policeman, told them earlier this year to keep quiet about the investigation into Raineri's connections with the Show Bar.

Mrs. Gross testified that Colassaco told her to "stay out of it" and "keep your mouth shut."

Mrs. Osmak said "he (Colassaco) told me it would be best if I just mind my own business."

Hurley Police Chief Ted Erspamer testified that he called Raineri for advice when Colassaco was subpoenaed to testify before a grand jury earlier this year. Erspamer said he called Raineri because Raineri had been the Hurley city attorney for many years and because he had discussed city matters with him in the past.

However, Erspamer also said he knew Raineri was being investigated by the FBI when Colassaco was subpoenaed.

Earlier Tuesday, Rose Carli, a former Show Bar bartender, testified that Cira Gasbarri, owner of the Show

Bar, ordered her to lock dancers who were staying above the bar in their upstairs rooms when she locked up at night in early 1979. She said she then took the keys to Mrs. Gasbarri's house.

Mrs. Carli testified that the Show Bar was sometimes closed for more than a day at a time and that occasionally the dancers were locked upstairs for more than one day without heat or food. Mrs. Carli also said there was no escape from the upstairs rooms.

Mrs. Carli and two other former bartenders testified that they saw no evidence of prostitution while they were employed at the Show Bar.

Mrs. Carli testified that Mrs. Gasbarri told her that there was to be no prostitution at the bar.

"She just told me to watch the girls so they didn't sneak anybody upstairs," Mrs. Carli said.

Mrs. Carli and Pete Ramata testified that they had trouble getting their wages from Mrs. Gasbarri. Ramata said that he was never paid for the time that he worked as a bartender at the Show Bar in late 1978.

Mrs. Carli, Ramata, and Anthony DeFur, another former bartender, testified that Raineri was not involved in the Show Bar's operation while they worked at the tavern.

(Indicate page, name of newspaper, city and state.)

D-4

WIS. STATE JOURNAL
MADISON, WISCONSIN

Date: 12/10/80
Edition: DAILY

Title:

Character: 194-35 476
or

Classification:
Submitting Office:
MILWAUKEE

b6
b7C

(Mount Clipping in Space Below)

Priest testifies in Raineri case

By Claire Simmons
Associated Press

An Ironwood, Mich., Catholic priest testified Wednesday in the trial of Circuit Judge Alex Raineri that a woman told him last year she had tried to shoot Raineri.

The Rev. Joseph Polakowski, pastor of the Holy Trinity Church, said the conversation was "strictly confidential but not a confession," and said he had his bishop's permission to testify about the conversation if he was ordered to do so by the court.

Polakowski's testimony came in

the 11th day of the U.S. District Court trial of Raineri, charged with three counts of using interstate facilities to promote prostitution, one count of lying to a federal grand jury and one count of threatening a witness.

Raineri, 62, was Iron County district attorney for 18 years before

becoming a judge in 1977. Raineri, who has pleaded innocent to the charges, was suspended from the bench after he was indicted in June.

Polakowski said he and Raineri met in his rectory office and then walked into the church where they met a woman, who was not identified in Wednesday's testimony.

"Mr. Raineri said that a shooting took place, but I didn't ask him where and he said that she shot (at) him," Polakowski said, adding that the woman acknowledged that she had tried to shoot him.

"She said that she loved him and she was deceived, that Mr. Raineri, in her absence, went to her apartment and stole some precious objects," Polakowski testified.

He said Raineri replied, "No, I didn't steal anything from her."

Polakowski said the woman replied, "Yes, you did, because you had the key to my apartment and nobody else has the key."

"Raineri said, 'That could be somebody else,' and he mentioned a name," Polakowski said.

"She was not satisfied with his answers. She said, 'He was involved in burning my bar,'" Polakowski continued, adding that Raineri denied it.

"She said, 'No, not you personally, but you were involved in it,'" Polakowski said.

"That's why she wanted to come to the church because she thought Mr. Raineri, being a Catholic, and she is a Catholic and having a priest as an arbitrator, the truth could be known," Polakowski said.

Polakowski testified that Raineri and the woman said they had a close relationship.

(Indicate page, name of newspaper, city and state.)

D-1

WISCONSIN STATE
JOURNAL
MADISON, WISCONSIN

Date: 12/11/80
Edition: FINAL

Title:

Character:

or

194-35-477

Classification:

Submitting Office: MILWAUKEE

SEARCHED INDEXED
SERIALIZED FILED b6
b7C

DEC 13 1980

FBI-MILWAUKEE

(Mount Clipping in Space Below)

Raineri says he wasn't involved with tavern

By Claire Simmons
Associated Press

Circuit Judge Alex Raineri took the stand in his own defense Thursday, testifying that he was not involved in the operation of a Hurley tavern but had a close friendship with the bar's owner, Cira Gasbarri.

Raineri denied he paid employees of the Show Bar, arranged and paid for the bar's linen and electrical service or signed any checks written on the bar's account.

He said that in 1976 or 1977 he helped Mrs. Gasbarri prepare a check to the Internal Revenue Service, but did not assist her in writing any other checks.

He testified that Mrs. Gasbarri was a poor manager and that the bar was not doing good business.

"The place was closed half the time; she didn't put the time in to manage her own business," Raineri said, but added, "I know less than she does about the bar business."

Raineri's testimony came in the 12th day of the U.S. District Court trial in which he is accused of three counts of using interstate facilities to promote prostitution in August and September 1978, one count of lying to a federal grand jury and one count of threatening a witness.

Raineri, 62, who pleaded innocent to the charges, served as Iron County district attorney for 18 years before being elected judge in 1977. He was suspended from the bench after being indicted in June.

Raineri testified he was once the lawyer for Show Bar owner Jack Gasbarri and gave legal advice to his widow after Gasbarri died in 1975.

Raineri said when he became a circuit judge in 1978 he told Mrs. Gasbarri he could no longer represent her in legal matters but she persisted in asking him for legal advice.

He said Mrs. Gasbarri asked him for advice on replacing a bond that

burned in the April 1979 fire that destroyed the Show Bar but he told her he could not assist her because he was a judge.

Raineri later testified he told Mrs. Gasbarri to see a banker because a banker would know more about replacing the bond.

Last week, FBI agents testified they could identify Raineri's handwriting and fingerprints on Show Bar checking account documents.

Peter A. Linder, an FBI handwriting expert from Washington, D.C., said he identified Raineri's handwriting on 25 checks and check stubs of the Ritz Bar, Inc., account, held by the Show Bar.

Alfred Lowe, an FBI fingerprint specialist from Washington, said Raineri's fingerprints matched two prints found on two Ritz Bar check stubs. One check stub recorded a check written to Patricia Forte, a dancer at the Show Bar, and the second stub recorded a check written to Kay Montez, a Show Bar bartender.

Mrs. Gasbarri had testified Raineri would often count the money earned by dancers for prostitution, loaned her money, helped her with the bar's books and gave her legal advice.

The Show Bar's accountant, Barney Hinch, testified Mrs. Gasbarri and Raineri came to his office in 1976 and asked him to do the tavern's bookkeeping. Hinch said that over the next two years he discussed Social Security taxes, unemployment compensation and cash flow, with Raineri, often going to his office or calling him directly on the telephone.

Raineri denied Thursday that he asked a Hurley policeman to tell his sister to "keep quiet" earlier this year about an investigation into Raineri's connections with the Show Bar.

Raineri said he told Kenneth Colasaco to ask his sister, Patricia Colasaco, why she was making statements that she had told Raineri about prostitution at the Show Bar but that Raineri did not pursue the matter.

(Indicate page, name of newspaper, city and state.)

D-1
WISCONSIN STATE
JOURNAL
MADISON, WISCONSIN

Date: 12/12/80
Edition: FINAL

Title:

Character:
or 194-35-478
Classification:
Submitting Office: MILWAUKEE

SEARCHED	INDEXED
SERIALIZED	
DEC 13 1980	
FBI-MILWAUKEE	

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"All I wanted to know was why she was making those statements," Raineri said.

Colassaco had testified Raineri told him to tell his sister to "stop telling lies about him and that if she wouldn't listen to me, he'd get someone else to talk to her."

Raineri also denied that he had an affair with Mrs. Gasbarri.

"No, we were real close friends," Raineri said, adding that he and his wife had been close friends of Jack and Cira Gasbarri.

Mrs. Gasbarri previously testified that she and Raineri had an affair after her husband died.

Raineri testified that he and Mrs. Gasbarri once had a conversation with an Ironwood, Mich., Catholic priest.

"I told the priest that she wanted me to leave my wife and go with her," Raineri said. "Cira was telling my wife to leave me and then she'd tell me how bad my wife was treating me."

Wednesday, the Rev. Joseph Polakowski, pastor of Holy Trinity Church in Ironwood, testified that he had a conversation last year with Raineri and a woman whom he said had a Mexican accent, but did not identify.

"Mr. Raineri even said that he was unfaithful to his wife and had some problems with his wife and they were on the verge of divorce," Polakowski said, adding that he urged Raineri and the woman to end their relationship.

Raineri denied that Mrs. Gasbarri accompanied him when he attended a judicial conference in Reno, Nev., in fall of 1978.

Raineri said Mrs. Gasbarri asked him to make airline reservations for her because she wanted to visit her sick mother in California.

"Make the reservation the same as yours; I can change it if I want to," Raineri quoted Mrs. Gasbarri as saying. Raineri said he wrote a check for Mrs. Gasbarri's ticket after she paid him the \$240 fare in cash.

Raineri said that he traveled to Reno alone and did not see Mrs. Gasbarri on the flights en route to Reno.

Last week, a Western Airlines accountant supervisor testified that airline records indicate that Raineri and Mrs. Gasbarri were on the same flights from Minneapolis to Reno via Salt Lake City Sept. 17, 1978, and on the same return flights Oct. 6, 1978.

Mrs. Gasbarri testified last week that she traveled with Raineri to Reno and stayed with him for a few days, traveled to California to visit her family, returned to Reno and then accompanied Raineri on the return flights.

Raineri told a grand jury that he traveled to Reno alone and while there met Mrs. Gasbarri and her brother and sister. He also told the grand jury that he spent the day with Mrs. Gasbarri and her family and had a drink with Mrs. Gasbarri. He said he traveled alone on the return flights.

Raineri testified he did not spend the day with the Gasbarri party because he had to attend the judicial conference but that he took Mrs. Gasbarri to dinner that evening.

Raineri also testified that he saw Mrs. Gasbarri on the flight from Reno to Salt Lake City but that they did not sit together.

(Mount Clipping in Space Below)

In Judge Raineri trial**Psychiatrist ordered to testify**By **CLAIRE SIMMONS**

The Associated Press

U.S. District Judge Barbara Crabb today ordered a California psychiatrist and a social worker who once treated a Hurley tavern owner to testify in the trial of Circuit Judge Alex Raineri.

Dr. George Paz of the Hope Community Mental Health Center in suburban Los Angeles had refused to testify on the grounds of patient-physician privilege and a federal law that prohibits the disclosure of treatment for alcohol and drug abusers at institutions that receive federal funds.

However, Crabb ruled that there is no general patient-physician privilege in federal common law. Paz said that Show Bar owner Cira Gasbarri was not being treated for drug or alcohol abuse at the center, and Crabb then ordered him to testify about his relationship with Gasbarri.

Paz and social worker Connie Williams were expected to testify today, the 14th day of the trial in U.S. District Court.

Raineri, 62, is accused of three counts of using interstate facilities to promote prostitution in August and September 1978, one count of lying to a federal grand jury and one count of threatening a witness.

Raineri, who pleaded innocent to the charges, was Iron County district attorney for 18 years before being elected judge in 1977. He was suspended from the bench after being indicted last June.

Gasbarri, a key prosecution witness, testified that Raineri would often count the money earned by dancers for prostitution, loaned her money, helped her with the bar's books and gave her legal advice.

Raineri took the stand in his own defense last Thursday. He testified that he was not involved in the operation of the Show Bar, but said he had a close friendship with Gasbarri.

(Indicate page, name of newspaper, city and state.)

A-29

CAPITAL TIMES
MADISON, WISCONSINDate: 12/15/80
Edition: DAILY

Title: 194-35-479

Character:
or
Classification:
Submitting Office:
MILWAUKEEb6
b7CSEARCHED
SERIALIZED

FBI-MILWAUKEE

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☒ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date 12/18/80

FM MILWAUKEE (194B-35) P

TO DIRECTOR (194B-1122) PRIORITY

BT

UNCLAS

ATTN: ORGANIZED CRIME SECTION AND PUBLIC AFFAIRS OFFICE.

ALEX J. RAINERI, CIRCUIT JUDGE, HURLEY, WISCONSIN; HOBBS ACT -
 OFFICIAL CORRUPTION; ITAR-PROSTITUTION; ITAR-BRIBERY; PERJURY;
 OOJ; OO: MILWAUKEE.

ON DEC. 17, 1980, JURY IN U.S. DISTRICT COURT, MADISON,
 RETURNED VERDICT OF GUILTY OF ALL FIVE COUNTS CHARGED AGAINST
 RAINERI FOR ITAR-PROSTITUTION (THREE COUNTS), PERJURY, AND
 OBSTRUCTION OF JUSTICE (CAUSING THREATENING OF WITNESS). TRIAL
 BEGAN NOV. 24, 1980.

BUREAU IS BEING ADVISED BECAUSE TRIAL RESULTED FROM FBI
 INVESTIGATION, INVOLVED EXTENSIVE TESTIMONIES OF FBI LABORATORY
 EXPERTS, AND IS APPARENTLY RECEIVING EXTENSIVE LOCAL AND NATIONAL
 PRESS COVERAGE.

SENTENCING DATE NOT YET SET. MILWAUKEE FOLLOWING

BT

(1)

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

☆ U.S. GOVERNMENT PRINTING OFFICE: 1980-305-750/5402

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194-35-480

(Mount Clipping in Space Below)

Jury deliberates Raineri case

Madison — The federal government's prostitution case against Iron County Judge Alex Raineri went to the jury at 3:20 p.m. Tuesday. Within 20 minutes, the jurors asked for a list of the names and occupations of all the witnesses heard during the 15-day trial. The jury also asked for a dictionary before quitting for the night shortly after 6:30 p.m. Raineri, 62, has pleaded not guilty to three counts of promoting prostitution at the Show Bar in Hurley, one count of lying to a grand jury and one count of obstructing justice by threatening a witness.

(Indicate page, name of newspaper, city and state.)

A-15

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSINDate: 12/17/80
Edition: FINAL

Title:

Character:

or

194-35

Classification:

Submitting Office:

MILWAUKEE

194-35-481
SEARCHED INDEXED

DEC 13 1980

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FBI/DOJ

(Mount Clipping in Space Below)

Judge guilty, could get up to 25 years

Journal Madison Bureau

Madison, Wis. — Iron County Circuit Judge Alex J. Raineri had said all along that he was an innocent man.

"They've been accusing me of running the Show Bar and I've always told them . . . I had no connection with the place whatsoever," the judge informed a reporter last June after he was indicted on three counts of promoting prostitution and one count each of perjury and threatening a witness.

Except that the eight-man, four-woman jury who sat and listened to testimony in the trial at Federal Court here apparently did not believe him. And promptly at 4 p.m. Wednesday, on the sixteenth day of a trial that sometimes sounded like an episode from "Mary Hartman, Mary Hartman," the jury found Raineri guilty on all five counts.

The convictions carry a maximum penalty of 25 years in prison and \$45,000 in fines.

Raineri, 62, who served in the State Assembly and was Iron County district attorney before becoming a judge, displayed little emotion as the jury's findings were disclosed.

One of the judge's attorneys, Gene Linehan of Wausau, asked Federal Judge Barbara Crabb to continue bail for his client. Federal prosecutor Frank Tuerkheimer said he had no objection to the request.

After Crabb instructed him to

check in with his probation officer, Raineri, looking a little shaken and, gazing at the carpet, put on his hat and coat as he brushed past reporters and left the courtroom. He had no comment to make to the press, Linehan said.

Linehan, who also asked the court to extend the time period for filing for a retrial from seven to 30 days, told reporters he would have to check the trial transcript but he believed there were grounds for an appeal.

"We're all a little drained," the defense attorney remarked, adding that both he and his client would now "head north" to get their lives in order.

The investigation into Raineri's alleged involvement with prostitution at Hurley's Show Bar, which burned down in April 1979, was initiated by the Wisconsin Judicial Commission. The FBI took up the probe and the judge was eventually indicted by a grand jury.

The activities for which he was charged allegedly began in August 1978 and occurred primarily in the fall of that year.

Cira Gasbarri, 45, the former operator of the Show Bar who was the prosecution's key witness, was not in the courtroom when the verdict was read Wednesday. Through days of testimony and cross-examination, she told how she and Raineri split the proceeds from prostitution at the bar while he did the bookwork.

For Tuerkheimer, who has been US attorney here for three and a half years, the conviction was a "bittersweet event."

He said: "It is tragic when a public official is involved in wrongdoing, especially when that official is part of the administration of justice system, and is entrusted by the public with the powers that the public entrusts to a circuit judge.

"These considerations are heightened when the wrongdoing is of a type which directly attacks the process whereby justice is administered, meaning crimes such as false testimony under oath and . . . threatening witnesses.

"On the other hand, it is important to know that even such persons . . . are subject to the law, just like everyone else."

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12/18/80
Edition: LATEST

Title:

Character:
or 194-35 482
Classification:
Submitting Office: MILWAUKEE

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DEC 1 1980

(Mount Clipping in Space Below)

Raineri guilty on 5 counts

By ELDON KNOCH
Sentinel Madison Bureau

Madison — Iron County Circuit Judge Alex Raineri was found guilty by a federal jury Wednesday of all five counts of promoting prostitution, lying to a grand jury and obstructing justice.

On three counts, the jury of eight men and four women determined Raineri had a part in operating Hurley's Show Bar, which burned in 1979.

The trial jury also convicted Raineri, 62, of lying when he testified before a federal grand

jury last March that he did not travel to a judicial conference in Reno, Nev., in September 1978 with Cira Gasbarri, the bar's owner.

The fifth count, obstructing justice by threatening a witness, stemmed from a message to Patricia Colassaco, a former bartender.

Raineri was convicted of telling Ms. Colassaco's brother, Hurley policeman Kenneth Colassaco, to warn her to keep quiet when she appeared before the grand jury.

Raineri faces up to 25 years in prison and \$45,000 in fines for the five counts.

US Atty. Frank Tuerkheimer called the convictions a "bittersweet event."

He said it is tragic when someone trusted with the power Raineri had is found guilty of those crimes, particularly a false declaration under oath and obstruction of justice.

"It's not an event for rejoicing," Tuerkheimer said.

However, the verdict shows even judges "are not above the law," he said.

Raineri had no comment after the verdict was read at 4 p.m., about 24 hours after the jury got the case. The jurors were deliberating in the jury room about eight hours of that time.



ALEX RAINERI

(Indicate page, name of newspaper, city and state.)

A-1

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/18/80

Edition: FINAL

Title:

Character:

or

194-35

Classification:

Submitting Office: MILWAUKEE

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DEC 1 1980

One of Raineri's attorneys, Gene Linehan of Wausau, said, "I'm sure there's grounds for appeal."

However, he said no decision would be made on whether to appeal until he and his brother, Daniel of Madison, read the transcript of the trial.

"Right now we're a little drained," he said.

The trial began Nov. 24 and there were 15 days of testimony.

Federal Judge Barbara Crabb allowed Raineri to continue to be free on a signature bond but ordered him to meet with a court officer who will make a presentence investigation.

She also gave Raineri's attorneys 30 days to file motions.

No date was set for sentencing.

Raineri must give up his judgeship upon sentencing.

He was suspended from the bench without pay by the Wisconsin Supreme Court after his indictment in June. His annual salary at the time was \$42,180.

Two charges of misconduct by the State Judicial Commission are pending.

Raineri became an Iron County judge Jan. 1, 1978. From 1960-'77 he was the county's district attorney.

Much of the argument during the trial was over whether there was or was not prostitution at the Show Bar.

The defense claimed any prostitutes working out of the bar did so on their own and without the permission of Ms. Gasbarri.

Ms. Gasbarri was a key prosecution witness and claimed to have had an affair with the judge. Raineri denied the affair.

She also testified he helped her with financial matters at the bar and encouraged her to step up the prostitution activity.

The prosecution put in evidence 25 Show Bar checks and check stubs with handwriting that an FBI specialist said belonged to Raineri.

Another FBI specialist said the judge's fingerprints appeared on two check stubs.

Two of the prostitution counts mentioned specific documents, one a paycheck from the Show Bar to Yvonne Spears, a prostitute who testified about illegal sex acts at the bar.

The check, cashed at a supermarket across the street by Ms. Spears, eventually cleared through an Ironwood (Mich.) bank and was used by the government to establish federal jurisdiction in the case.

Writing on a check stub for a payment to Lake Superior District Power Co. was identified as Raineri's by the FBI specialist.

The third prostitution count was based on a check for sheets and towels delivered to the bar by American Linen Supply Co., Hibbing, Minn.

The perjury charged stemmed from Raineri's statement before the grand jury that he traveled to Reno alone.

The government placed in evidence copies of airline tickets that showed "A. Raineri" and "C. Gasbarri" were on the same flight from Minneapolis, Minn., to Reno.

The jury had a court reporter read back the entire testimony of the Colassacos Wednesday afternoon. The reading took nearly two hours.

About a half-hour after the jurors left the courtroom, they sent a note to the judge saying they had reached a verdict.

Tuerkheimer said he has no plans for further prosecutions of the Hurley activities.

In response to reporters' questions, he said he will not seek charges against Kenneth Colassaco, who testified he passed on Raineri's threat to his sister, or Ms. Spears, who admitted to acts of prostitution.

(Mount Clipping in Space Below)

Guilty verdict surprises those who know Raineri

Special to The Sentinel

Hurley — Mayor William Dary was "sorry to hear" and "found it hard to believe" that a jury Wednesday found Iron County Judge Alex Raineri guilty of prostitution, perjury and other charges.

"To be honest with you, I'm sorry to hear it," Dary said. "I've always felt he was a good judge. ... It is very difficult to believe he actually did all these things."

Dary called Raineri an "excellent judge. I felt he had more common sense than that."

As part of the federal government's investigation of Raineri, Dary said he was questioned by the FBI.

"I didn't really believe all that was happening," he said. "There is just

nothing like that going on up here. Hurley is probably the cleanest city in the United States."

He said Raineri was "no personal friend of mine," but that before becoming a judge, Raineri handled the book work for Dary's business.

Louis Leoni, County Board chairman and a longtime friend of Raineri, said he was very surprised to learn of the verdict.

"I've known him all my life. I didn't think he was doing it," Leoni said.

Leoni worried about the effect of the trial and verdict on Hurley.

"It won't help us too much. All that publicity doesn't help us. That's not good for this community," he said.

(Indicate page, name of newspaper, city and state.)

A-11
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/18/80
Edition: FINAL

Title:

Character:

or 194-35

Classification:

Submitting Office: MILWAUKEE

DEC 1 1980

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(Mount Clipping in Space Below)

Raineri to appeal convictions

Madison — The federal convictions of Iron County Circuit Judge Alex Raineri will be appealed to the 7th Circuit Court of Appeals in Chicago, Ill., Raineri's attorney, Gene Linehan, said Tuesday. On Dec. 17, a jury found Raineri guilty on three counts of promoting prostitution, one count of lying to a grand jury and one count of obstructing justice by threatening a witness.

(Indicate page, name of newspaper, city and state.)

B-12
Milwaukee Sentinel
Milwaukee, WI.

12/31/80
Date: Final
Edition:

Title:

Character:

or

Classification:

Submitting Office:

Milwaukee

SEARCHED INDEXED b6
SERIALIZED FILED b7C
JAN 1 1981
FBI-MILWAUKEE

FBI/DOJ

REPORT
of the



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, MILWAUKEE (194-35)

December 10, 1980

FBI FILE NO. 194-1122

LAB. NO.

01217031 DUY

Re: ALEX J. RAINERI

YOUR NO.

Examination requested by: U. S. Attorney FRANK M. TUERKHEIMER

Reference: Personal Contact December 9, 1980

Examination requested: Handwriting Comparison

Specimens Received:

- K7 Five sheets of paper bearing the known handwriting of [redacted]
- K8 Seven sheets of paper bearing the known handwriting of [redacted]
- K9 Nine sheets of paper bearing the known handwriting of [redacted]
- K10 Twenty-two sheets of paper bearing the known handwriting of PATRICIA COLASSACO.
- K11 Eleven checks bearing the known handwriting of [redacted]
- K12 One hundred fifty four checks and thirty-six deposit slips bearing the known handwriting of ALEX J. RAINERI.

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Page 1

194-35-486

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 23 1980	
[redacted]	[redacted]

[redacted]

b6
b7C

FBI/DOJ

Result of Examination:

It was determined that ALEX J. RAINERI, the writer of specimen K12 and the previously submitted specimens K1, K3, and K4, prepared the following: the [redacted] signature appearing on specimen Qc8; the entries appearing on Q35 and Q64 (deposit tickets); the entries on lines 1, 2, and 3 on check number 989, specimen Q90; the entries on stubs 1192, 1193 and 1194, specimen Q283; the entries on stubs 1396 and 1397, specimen Q351; the entries appearing on stubs 1405, 1406, and 1407, specimen Q354; the entries appearing on stub 1434, specimen Q363; the entries appearing on stub 1525, specimen Q394; and the entries appearing on check number 1392, specimen Q458.

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The submitted evidence was photographed and is returned herewith.

Routing Slip
0-7 (Rev. 5-13-77)

(Copies to Offices Checked)

TO: SAC:

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<input type="checkbox"/> Albuquerque	<input type="checkbox"/> Indianapolis
<input type="checkbox"/> Alexandria	<input type="checkbox"/> Jackson
<input type="checkbox"/> Anchorage	<input type="checkbox"/> Jacksonville
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☐ SAC, New Rochelle (MRA) ☐ ASAC, Rapid City ("Mini")

12/22/80
(Date)

RE: ATTACHED

194-35-487

SEARCHED _____ INDEXED _____
SERIALIZED _____ FILED _____

DEC 29 1980

☐ For information ☐ optional ☒ Retention ☒ For appropriate action ☐ Surep, by _____
☐ The enclosed is for your information. If used in a future report, ☐ conceal all sources, ☐ paraphrase contents.
☐ Enclosed are corrected pages from report of SA _____ dated _____

Remarks:

For record purposes advise if original of attached was received. Return attached and reply to:

Headquarters Mailing Unit
Room 1B-327

Attention: Coordinator



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Enc.
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FBI/DOJ

FBI

TRANSMIT VIA:

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☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 12/22/80

TO: SAC, MILWAUKEE (194-35)
 FROM: SAC, LOS ANGELES (194B-57) (RUC) (22)
 RE: ALEX J. RAINERI,
 Circuit Judge,
 Hurley, Wisconsin,
 HOBBS ACT - OFFICIAL CORRUPTION;
 ITAR - PROSTITUTION;
 ITAR - BRIBERY;
 PERJURY; OOJ
 OO: Milwaukee

Re Milwaukee telephone call on 12/9/80.

Enclosed for Milwaukee is one executed subpoena
 for [redacted] on 12/10/80.

Los Angeles is conducting no further investigation
 in this matter.

*returned to USA
 - 12/81
 J*

- ② - Milwaukee (Enc . 1)
 1 - Los Angeles

[redacted]
 (3)

- 1* -

194-35-488

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FBI - MILWAUKEE	

Approved: CNB/jew

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(Time)

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FM WASHINGTON FIELD (194-118) (RUC)

TO FBI MILWAUKEE (194-35) ROUTINE

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UNCLAS

ALEX J. RAINERI, CIRCUIT JUDGE, HARLEY, WISCONSIN; HOBBS ACT-OFFICIAL CORRUPTION; ITAR-PROSTITUTION; ITAR-BRIBERY; PERJURY; COJ; (00:MILWAUKEE)

RE MILWAUKEE TELETYPE TO WASHINGTON FIELD DATED JANUARY 10, 1981.

ON JANUARY 12, 1981, PASSPORT SERVICES, UNITED STATES DEPARTMENT OF STATE (USDS), WASHINGTON, D.C. (WDC), ADVISED THAT THEY COULD LOCATE NO CURRENT UNITED STATES PASSPORT FOR ALEX J. RAINERI OR ALEX JOSEPH RAINER, BORN SEPTEMBER 17, 1918. PASSPORT SERVICES FURTHER ADVISED THAT A TELEPHONIC CONTACT WITH THEIR DETROIT, MICHIGAN, PASSPORT AGENCY, AND THE CHICAGO PASSPORT AGENCY REFLECTED THAT NO PASSPORT HAS BEEN RECENTLY ISSUED FOR ALEX J. RAINERI OR ALEX JOSEPH RAINER.

IT IS TO BE NOTED THAT PASSPORT SERVICES IS SIX TO TWELVE MONTHS DELINQUENT IN THE FILING OF PASSPORT APPLICATIONS FOR

12:45 PM - 1/14/80 - Attempted contact with
SA [] at USA'S OFFICE, MADISON. Was adv.
SA [] had already left on AL out of state
- not returning to his RA. []

Advise by phone

194-35-489

SEARCHED	INDEXED
SERIALIZED	
JAN 1981	
FBI - MILWAUK	

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PAGE TWO DE WF 0012 UNCLAS

NEWLY ISSUED PASSPORTS.

ON JANUARY 12, 1981, WASHINGTON FIELD PLACED A STOP WITH THE PASSPORT SERVICES REQUESTING THAT THE FEDERAL BUREAU OF INVESTIGATION BE NOTIFIED SHOULD SUBJECT APPLY FOR PASSPORT FACILITIES.

IN VIEW OF THE FACT THAT NO LEADS REMAIN OUTSTANDING, CAPTIONED MATTER IS BEING RUC'D BY WASHINGTON FIELD.

BT

0012

NNNN

FBI

TRANSMIT VIA:

☒ Teletype☐ Facsimile☐ _____

PRECEDENCE:

☐ Immediate☐ Priority☒ Routine

CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☒ UNCLAS

Date 1/9/81

FM MILWAUKEE (194-35) P

TO WFO ROUTINE /CS

BT

UNCLAS

ALEX J. RAINERI, CIRCUIT JUDGE, HURLEY, WISCONSIN; HOBBS ACT -
OFFICIAL CORRUPTION; ITAR-PROSTITUTION; ITAR-BRIBERY; PERJURY;
OOJ; OO: MILWAUKEE.

FOR INFORMATION, ON DEC. 17, 1980, FEDERAL JURY AT MADISON,
WISCONSIN, FOUND RAINERI GUILTY OF THREE COUNTS ITAR-PROSTITUTION
AND ONE COUNT EACH OF PERJURY AND OOJ. SENTENCING UPON CONCLUSION
OF PRE-SENTENCE INVESTIGATION SHOULD OCCUR APPROXIMATELY LAST WEEK
IN JAN., 1981. SUBJECT HAS INDICATED INTENT TO APPEAL.

ALEX JOSEPH RAINER, 502 SIXTH AVENUE, HURLEY, WISCONSIN, IS WHITE
MALE, BORN SEPT. 17, 1918, 6', 200 LBS., BROWN HAIR, BROWN EYES
(GLASSES), WISCONSIN DRIVERS LICENSE R560-0101-8337-08R.

ON JAN. 9, 1981, USA, MADISON, WISCONSIN, IN ATTEMPT TO PRE-
CLUDE ANY FLIGHT BY SUBJECT AND TO REQUEST STRINGENT BOND RESTRIC-
TIONS AT TIME OF SENTENCING, REQUESTED INFORMATION AS TO ANY HOLDING

(1)

194-35-490

Approved

Transmitted

(Number)

(Time)

Per

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO MI 194-35 UNCLAS

OF A PASSPORT BY RAINERI, DETERMINATION IF ANY PASSPORT APPLICATION IS PENDING, OR NOTIFICATION IF SUCH APPLICATION SHOULD BE FILED.

WFO IS REQUESTED TO CONTACT USDS AND DETERMINE IF SUBJECT CURRENTLY HOLDS PASSPORT OR HAS PENDING APPLICATION FOR PASSPORT; IF NONE HELD, ESTABLISH PROCEDURE FOR DEPARTMENT OF STATE TO NOTIFY FBI IF APPLICATION RECEIVED IN FUTURE. SUTEL RESULTS.

BT

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date January 14, 1981

TO: DIRECTOR, FBI (194-359)
 ATTENTION: WHITE COLLAR CRIMES SECTION
 PUBLIC CORRUPTION UNIT
 ROOM 5131
 FBIHQ

FROM: SAC, MILWAUKEE (194-18)

SUBJECT: CORRUPTION OF PUBLIC OFFICIALS
 QUARTERLY SURVEY

Re Bureau airtel to all SAC's dated 9/25/80;
 Milwaukee airtel to Bureau dated 10/14/80.

Enclosed for the Bureau are three copies each of six survey sheets setting forth data concerning Corruption of Public Officials cases being worked in the Milwaukee Division.

Inasmuch as Milwaukee has not received specific instructions for the preparation of the Fiscal Year 1981 survey which were indicated as forthcoming in Paragraph 3, Page 3, of referenced Bureau airtel, standard survey format has been followed for this submission.

3 - BUREAU (194-359) (Encls. 18) (AM) (RM)

7 - MILWAUKEE

(1 - 194-18)
 (1 - 194-B-11)
 (1 - 194-B-30)
 (1 - 194-B-34)
 (1 - 194-B-35)
 (1 - 194-C-57)
 (1 - 194-C-59)

(10)

SEARCHED _____ INDEXED _____
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Approved: 

Transmitted _____

(Number)

(Time)

Per _____

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 b7c

194-35-491

PUBLIC CORRUPTION SURVEY

TITLE OF CASE

ALEX J. RAINERI
CIRCUIT JUDGE
HURLEY, WISCONSIN;
HOBBS ACT - CORRUPTION OF PUBLIC OFFICIALS

LEVEL OF GOVERNMENT

(CHECK ONE)

FEDERAL _____

STATE XXX

COUNTY _____

CITY _____

TERRITORY _____

FIELD FILE # MI 194-B-35
(Include alpha character)

BUREAU FILE # 194-B-1122

DATE CASE OPENED November 6, 1979

IDENTIFICATION OF OFFICIALS AND POSITIONS HELD

Alex J. Raineri
Circuit Judge
Hurley, Wisconsin

STATUS OF PROSECUTION Provide a brief statement as to the progress of prosecution to date. Include indictments, convictions, sentences, recoveries, and potential economic loss prevented.

Raineri convicted in U. S. District Court, Western District of Wisconsin, December 17, 1980, on five counts. Faces possible sentence of 25 years and \$45,000 fine. Subject also barred from holding public office in Wisconsin. Suspended from bench since indictment in June, 1980.

Convicted judge plans to appeal

Associated Press

A Circuit Court judge convicted of running a prostitution business in Hurley intends to appeal to the 7th U.S. Circuit Court of Appeals in Chicago, his attorney said Tuesday.

Alex Raineri, 62, was convicted Dec. 17 by a U.S. District Court jury of lying to a federal grand jury, intimidating a witness and engaging in an interstate prostitution business at a tavern in Hurley on the Wisconsin-Michigan border.

He has been suspended from his judgeship since being indicted in June.

"We are definitely going to appeal," attorney Gene Linehan said.

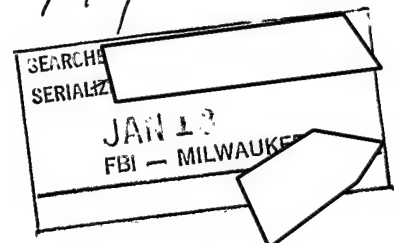
Linehan said Federal Judge Barbara Crabb will be asked to stay execution of sentence until an appeal can be heard.

He said the petition will cite Mrs. Crabb's refusal to allow him to subpoena tavern operator Cira Gasbarri as a defense witness, and her refusal to allow the jury to see Mrs. Gabarri's records from a mental hospital in California.

Mrs. Gasbarri, 45, who a witness said tried to rid her Hurley tavern of prostitutes until they threatened to set her house afire, was the government's chief witness against Raineri.

Linehan said the appeal also would cite the defense's loss of a motion to transfer the trial to Hurley or Superior, and some instructions that were given to jurors.

Raineri, an Iron County district attorney before becoming judge, faces penalties of up to 25 years in prison and \$45,000.



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Wisconsin judge convicted on prostitution charges

MADISON, Wis. (UPI) — Iron County Circuit Judge Alex J. Raineri was convicted Wednesday of promoting prostitution, perjury and threatening a witness.

U.S. District Judge Barbara Crabb ordered a presentence investigation for the 62-year-old jurist, who faces a maximum sentence of 25 years in prison and \$45,000 in fines. He had pleaded innocent.

In the trial, which began Nov. 24, prosecutors claimed Raineri was intimately involved with the finances of the Show Bar, located in Hurley, Wis., where the prostitution took place.

The star witness against him, Cira Gasbarri, said she was the judge's lover and they split the proceeds from prostitution.

The government produced experts who identified Raineri's handwriting on Show Bar checks to a prostitute, a utility and a linen supply company. The bar burned in April 1979.

Raineri sat impassively as the federal court clerk read guilty verdicts on five prostitution-connected charges. The judge was rushed out of the courthouse after the end of the long trial. His attorney, Gene Linehan, would not let him comment.

Raineri, who has been a judge since Jan. 1, 1978, will be removed from the bench automatically when Crabb sentences him.

U.S. Attorney Frank Tuerkheimer, the prosecutor, called Raineri's conviction "bittersweet."

"It is a tragedy when a public official involved in the administration of justice is himself involved in violations of the law," Tuerkheimer said. "A comforting aspect is that even those persons can and are subject to the law like anyone else."

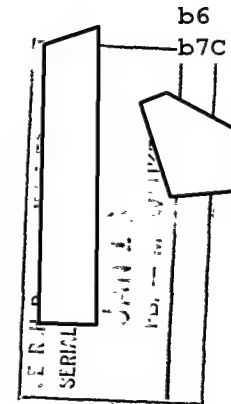
A six-man, four-woman jury began delibera-

tions Tuesday afternoon. They convicted him of three charges of using interstate facilities to promote prostitution, one charge of perjury and one charge of threatening a key prosecution witness.

The jury decided Raineri lied when he swore under oath to a grand jury earlier in the year that he did not accompany Gasbarri, former operator of the Show Bar, to Reno, Nev., in 1978.

The jurors also convicted him of threatening Patricia Colassaco, an Ironwood, Mich., woman who testified she told Raineri about prostitution at the Show Bar, but he did nothing about it.

194-35-493





United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF WISCONSIN

P. O. Box 112, FEDERAL BUILDING

MADISON, WISCONSIN 53701

608-252-5158

FTS 364-5158

January 5, 1981

[REDACTED]
Attorney at Law
P. O. Box 538
Wausau, WI 54401

b6
b7C

Dear [REDACTED]

Thank you for your letter of December 31, 1980. The sentiments you expressed are very much appreciated.

Sincerely,

Frank M. Tuerkheimer
United States Attorney

FMT:rl

194-35-494

SEARCHED	[REDACTED]
SERIAL	[REDACTED]
JAN 13	
FBI - MILWAUKEE	

[REDACTED]

b6
b7C

[REDACTED] LAW OFFICE

b6
b7C

[REDACTED]
ATTORNEY AT LAW

P. O. BOX 538
925 S. 3RD AVENUE
WAUSAU, WISCONSIN 54401

PHONE: AREA 715
OFFICE 842-3361

December 31, 1980

RECEIVED

JAN 1 1981

U.S. AIRMAIL

Mr. Frank M. Tuerkheimer
Office of U. S. Attorney
Federal Building
Madison, WI 53702

Re: Raineri

Dear Mr. Tuerkheimer:

Please accept my congratulations on a successful prosecution of this case.

I know Alex Raineri very well. I ran against him for the Democratic nomination for district attorney in September, 1964. At that time, I tried to point out to the people of Iron County that Mr. Raineri was also representing the various clubs in the area known as the "lower block" in his civil practice, even though he was a part-time district attorney.

Although I was a very new attorney in the area, I helped a reform group campaign for seats on the city council and fought to reform the police commission. Raineri obstructed all those efforts very effectively and was extremely vindictive toward those who worked for reform. His characteristic vindictiveness was directed toward me in that he inspired three police commissioners to sue me for almost \$100,000 in a slander action which was dismissed and for which he later "apologized" to me with a big smile, saying "I only did it for the insurance."

This letter isn't sour grapes or axe-grinding. If it were, I could write much more. I merely wish to express my satisfaction that at long last some one (yourself and the others who participated in this investigation) had the patience and good grace and thoroughness to bring this man to the bar of justice. He was probably the most totally corrupt lawyer in the State of Wisconsin.

With best regards.

194-35-494

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[REDACTED]
D: 12/18/80



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Washington, D.C. 20535
January 12, 1981

[redacted] for
Passport Services
United States Department of State
Washington, D.C. 20524

b6
b7C

Dear [redacted]

In connection with an investigation being conducted by this Bureau, it is requested that this office be notified in the event that Alex J. Raineri, also known as Alex Joseph Rainer, born September 17, 1918, applies for passport facilities.

Your cooperation in this matter is sincerely appreciated.

Very truly yours,

TMG/gk

Theodore M. Gardner
Special Agent in Charge

- 2 - Addressee
- ① - Milwaukee (194-35)
- 1 - WFO

[redacted]
(4)

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194-35-495

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JAN 15 1981	
FBI - MILWAUKEE	

DOJ

(Mount Clipping in Space Below)

Raineri Witness Sentenced

By DENNIS McCANN
Daily Globe
Madison Bureau

MADISON, Wis. — A former Hurley prostitute who was a chief government witness in the trial of Iron County Circuit Judge Alex Raineri has been placed on three years probation on a charge of delivering heroin.

Yvonne Spears, 21, of Milwaukee, was sentenced by Milwaukee County Circuit Judge Robert Landry. She had been charged in March with five counts of delivering heroin but pled guilty to one count, after prosecutors agreed to dismiss the other charges.

Spears testified in December at Raineri's federal trial that she worked in Hurley as a prostitute for about 8 months beginning in June 1978 and that her dates included police officers, public officials and a Milwaukee county circuit judge. She did not identify anyone by name.

Spears said she lived above the former Show Bar night-

club during part of her stay in Hurley. While she did not directly link Raineri with prostitution at the bar, Spears testified she went to the bar at the invitation of Cira Gasbarri, the bar's owner. Mrs. Gasbarri testified Raineri helped her run the bar and encouraged her to keep prostitution going.

Raineri, 62, was convicted of 3 counts of promoting prostitution, one count of lying to a federal grand jury and one count of obstructing justice. He is awaiting sentencing.

During the trial, Raineri's attorneys attempted to portray Spears as an unreliable witness, contending she was cooperating only to get a break in her own case. She was in jail in Milwaukee when contacted by FBI agent Thomas Burg about Raineri.

Thomas Schneider, an assistant Milwaukee county district attorney, said Spears' cooperation in the Raineri case was considered when the state dropped the 4 additional drug charges and recommended probation on the fifth.

Schneider said in sentencing Spears to probation, Judge Landry "gave her credit for the fact she had already served 189 days in the county jail."

Spears was one of 17 persons charged in connection with a major Milwaukee drug-selling operation known as the Jackson family, Schneider said. He described her as being involved in the lowest level, delivering heroin to users but turning the income over to a family member who was her boyfriend at the time.

"The facts are that he used and took advantage of her, in effect getting her to do his dirty work," Schneider said.

The leader of the operation, Andrew Lee Jackson, was sentenced to 14 years at the Waupun Correctional Institute. Two of his brothers received sentences of 12 and 10 years.

Only one other defendant besides Spears received probation, Schneider said.

Spears was granted immunity in the Raineri from

prosecution in exchange for her testimony about her activities in Hurley.

(Indicate page, name of newspaper, city and state.)

A-6

DAILY GLOBE
IRONWOOD, MICHIGAN

Date: 1/7/81
Edition: METRO

Title:

Character:

or
Classification: 194-35-496

Submitting Office:
MILWAUKEE

SEARCHED	INDEXED	b6
SERIALIZED	FILED	b7C
JAN 14 1981		
FBI - MILWAUKEE		

(Mount Clipping in Space Below)

Raineri Convicted on 5 Counts

By DENNIS McCANN
Globe Madison Bureau

MADISON, Wis. — Alex J. Raineri, who spent the last 20 years in Iron County courtrooms as a judge and prosecutor, walked from a federal courtroom Wednesday a convicted man.

His trial on five federal charges growing from an investigation of prostitution at Hurley's Show Bar were behind him but his troubles were not.

Raineri faces a maximum sentence of 25 years in prison and a \$45,000 fine. U.S. Judge Barbara Crabb ordered a presentence report and gave defense attorneys 30 days to file motions.

As a convicted felon, Raineri, 62, may not hold public office in Wisconsin. He has been suspended from the bench without pay since his indictment in June and faces substantial legal bills from his trial.

He also faces a two-count complaint filed by the Wisconsin judicial commission alleging misconduct in office. Commission director Natalie Smith said today the complaint may be dropped when Raineri is sentenced and removed from office.

The conviction on three counts of promoting prostitution at the former Show Bar in Hurley, one of lying to a federal grand jury and one of obstruction of justice, followed a four-week trial that brought life to the old days of Silver Street once again.

Raineri showed no emotion as a court clerk read the jury's findings of guilty on each count.

The jury deliberated about seven hours Tuesday and

(Indicate page, name of newspaper, city and state.)

A-1

IRONWOOD GLOBE
IRONWOOD, MICHIGAN

Date: 12/18/80
Edition: DAILY

Title:

Character:

or

194-35-497

Classification:

Submitting Office:

MILWAUKEE

SEARCHED	INDEXED
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JAN 1 1981	
FBI - MILWAUKEE	

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b7C

Wednesday. Jurors declined to comment on the verdict. Raineri and his wife, Doris, hurried from the courtroom without talking to reporters.

"I'm sure that there's some grounds for appeal but I will have to look at the whole transcript," said defense attorney Gene Linehan.

"Right now we're a little drained but we will be going some place," he said.

Government prosecutor Frank Tuerkheimer pronounced it a "bittersweet event."

"I think it is tragic when a person who is intimately involved with the administration of justice breaks the law," he said.

Tuerkheimer said the verdict proves judges are not above the law. "The law can be and is applied to them as well as everyone else," he said.

Tuerkheimer said the Hurley investigation is over because "from what I know there is nothing more to pursue."

He said there will be no prosecution of prostitutes who testified at the trial or of Hurley police officer Kenneth Colassaco, who passed a threatening message from Raineri to Colassaco's sister, Patricia.

The indictment alleged that Raineri, an Iron County district attorney for almost 18 years before becoming a circuit judge in 1978, used interstate facilities to promote prostitution at the former nightclub.

Specifically the indictment alleged interstate facilities were used to provide electricity and linen to the bar and to cash a check written to Yvonne Spears, a dancer who

worked as a prostitute.

An FBI handwriting expert testified the check to Lake Superior District Power Company was filled out by Raineri.

Raineri was also charged with lying to the grand jury about traveling to Reno, Nevada, with Mrs. Gasbarri in 1978 and with obstructing justice by threatening a witness. The government alleged Raineri directed Colassaco to tell his sister, Patricia, who had testified before the grand jury, "to keep her mouth shut."

Raineri's trial began Nov. 24, five months after he was indicted by a federal grand jury.

The government's chief witness was Mrs. Gasbarri, the Cuban-born owner of the Show Bar, who testified that Raineri helped her operate the nightclub and that he received a cut of the proceeds from prostitution.

She testified that she and Raineri became lovers after her husband's death in 1975; a statement that Raineri later denied.

Mrs. Gasbarri testified Raineri often came to the bar and helped count earnings from prostitution.

He once told her, "Don't worry about any law enforcement coming to town because they have to come to me first," she testified.

Ms. Spears, of Milwaukee, testified she worked at the Show Bar as a dancer and prostitute in 1978. She lived above the bar during part of her stay in Hurley and that she and other dancers took "dates" upstairs for sex.

Two other government witnesses who linked Raineri to activities at the bar were Angela Acebal, Mrs. Gasbarri's

niece, and Barney Hinch, the bookkeeper.

Ms. Acebal, who worked at the bar for a short time in 1977, said she often saw Raineri and her aunt counting money earned by prostitutes.

Hinch testified he was hired at Raineri's suggestion. Hinch said he often contacted Raineri in 1978 after Raineri had become a judge, when he had questions about the

bar's financial records that Mrs. Gasbarri could not answer.

Hinch said he once told Raineri the bar was spending more money than it was taking in. Raineri "primarily told me that was nothing I was to be worried about," Hinch testified.

Several former bartenders who testified for the prosecution described seeing white envelopes containing cash paid to prostitutes. The envelopes were kept either in a box in the dancer's dressing room or in the cash register, they said. A parade of former bartender's called by the defense denied ever seeing white envelopes or any other sign of prostitution at the bar.

Direct evidence of prostitution was offered by John Pisco of Ironwood, who testified he was robbed of almost \$300 after meeting Ms. Spears in a room above the bar.

Testifying on his own behalf, Raineri said he had nothing to do with prostitution at the bar or with helping Mrs. Gasbarri operate the nightclub.

"She never asked me to help her," he said. "No, I'm not in that line of work. I know even less about the bar business than she did," he said.

Raineri denied ever having an affair with Mrs. Gasbarri. A Catholic priest who testified that Raineri told him about the affair in April of 1979 was in error, Raineri testified.

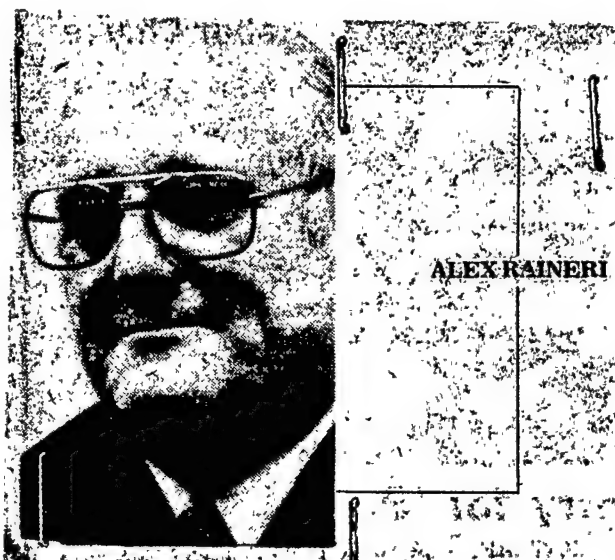
The charge of lying to the grand jury stemmed from Raineri's testimony last March that he traveled to Reno alone in September 1978 and not with Mrs. Gasbarri. Raineri told the grand jury last March that he met Mrs. Gasbarri in Reno by accident and spent just one day with her.

Tuerkheimer presented evidence showing Raineri purchased tickets for himself and Mrs. Gasbarri on the same flight from Minneapolis to Reno. Tuerkheimer also produced a motel registration card listing two persons in Raineri's room.

During his testimony at the trial, Raineri again denied traveling with Mrs. Gasbarri. He said he could not remember seeing her on the flight.

Raineri also testified he could not recognize his handwriting on more than two dozen Show Bar checks and other financial records despite testimony from the FBI handwriting experts that the writing was Raineri's.

He denied the agent's testimony that his handwriting was on the check to Lake Superior Power Company.



(Indicate page, name of **A-31** newspaper, city and state.)**THE CAPITAL TIMES
MADISON, WISCONSIN**Date: **1/20/81**Edition: **FINAL**

(Mount Clipping in Space Below)

Raineri's lawyer points to errors, asks new trial

The Associated Press

A motion filed in U.S. District Court here seeks a new trial for Circuit Judge Alex Raineri of Hurley, convicted last month on charges involving prostitution in that northern Wisconsin city.

Raineri, 62, was convicted Dec. 17 on charges of promoting prostitution, lying to the federal grand jury, and threatening a witness. He is awaiting sentencing in the case, and no date

has been set.

The petition filed Friday asked for a new trial on 13 grounds, including a contention that there is newly discovered evidence in the case. The petition contended that a chief government witness has informed parties known to the defendant and the defense that she committed perjury during the trial.

"What she said was, she had to lie a little bit, but it was worth it to get a conviction," Gene Linehan of Wausau,

one of Raineri's attorneys, said Monday.

The petition repeats an earlier request that the trial be held in Superior or Hurley, rather than Madison, contending that the jury selection is discriminatory because, it said, three-fifths of the potential jurors in the Western District are eliminated on a geographical basis.

"You don't select jurors more than 50 miles away from Madison," Linehan said.

He said his request also raised a question about the relevancy of material admitted by Judge Barbara Crabb over defense objections, and said some of her comments to the jury after defense closing arguments were improper and prejudicial.

"She told the jury that they didn't have to believe part of my closing argument," Linehan said Monday. "I wish she would have done the same for the government."

He said the law is clear that closing arguments are not evidence, but that

to stop proceedings after one attorney gives his remarks, and not after the other, has a tendency to influence jurors.

The request for the new trial also contends that some of the prosecution's closing arguments were improper, and that there was insufficient evidence to convict Raineri of the charges.

Raineri, who was suspended from the bench after his indictment in June, spent 18 years as Iron County district attorney before becoming a judge in 1977. He will be removed from the judgeship upon sentencing.

The charges against him accused him of involvement in prostitution activities at the Show Bar, a Hurley tavern that burned in 1979. The tavern belonged to Ciria Gasbarri, a friend of the judge, but he denied any involvement in its operation.

Raineri said he occasionally provided legal advice for her. He said he had been the lawyer for her husband,

John Gasbarri, and continued to give legal advice after his death in 1975.

He said that he told her after he became a judge that he could no longer represent her in legal matters, but that she persisted in seeking advice. Mrs. Gasbarri testified that Raineri often counted prostitution money earned by dancers who worked at the bar, helped with the books and gave her legal advice.

Linehan said Monday that he has also drafted a petition to the Wisconsin Supreme Court, voluntarily asking

the court to revoke Raineri's license to practice law.

The petition acknowledged that an investigation is pending on allegations that Raineri was guilty of misconduct in office in that he was convicted on the five charges.

"We still have appellate routes available, but at this time there is no alternative but to surrender the license voluntarily," Linehan said. "If we win the appeal, then we'll be back before the Supreme Court petitioning for reinstatement of the license."

Title:

Character:

or **194-35**

Classification:

Submitting Office: **MILWAUKEE**

194-35-498

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FBI/DOJ

Routing Slip
FD-4 (Rev. 3-1-73)

To: ☒ Director (194-1122)

Date 1/12/81

Att.: Room 1B-321 FILE

MI 194-35

b6
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Title ALEX J. KINIKI

- ☐ SAC _____
☐ ASAC _____
☐ Supv. _____
☐ Agent _____
☐ SE _____
☐ SC _____
☐ CC _____
☐ Steno _____
☐ Clerk _____

RE: YOUR R/S 12/22/80,

ATTACHED

☐ Rotor #: _____

ACTION DESIRED

- | | |
|--|---|
| <input type="checkbox"/> Acknowledge | <input type="checkbox"/> Open Case |
| <input type="checkbox"/> Assign _____ Reassign _____ | <input type="checkbox"/> Prepare lead cards |
| <input type="checkbox"/> Bring file | <input type="checkbox"/> Prepare tickler |
| <input type="checkbox"/> Call me | <input type="checkbox"/> Return assignment card |
| <input type="checkbox"/> Correct | <input type="checkbox"/> Return file |
| <input type="checkbox"/> Deadline _____ | <input type="checkbox"/> Search and return |
| <input type="checkbox"/> Deadline passed | <input type="checkbox"/> See me |
| <input type="checkbox"/> Delinquent | <input type="checkbox"/> Serial # _____ |
| <input type="checkbox"/> Discontinue | <input type="checkbox"/> Post <input type="checkbox"/> Recharge <input type="checkbox"/> Return |
| <input type="checkbox"/> Expedite | <input type="checkbox"/> Send to _____ |
| <input type="checkbox"/> File | <input type="checkbox"/> Submit new charge out |
| <input type="checkbox"/> For information | <input type="checkbox"/> Submit report by _____ |
| <input type="checkbox"/> Handle | <input type="checkbox"/> Type |
| <input type="checkbox"/> Initial & return | |
| <input type="checkbox"/> Leads need attention | |
| <input type="checkbox"/> Return with explanation or notation as to action taken. | |

ORIGINAL OF ATTACHED WAS HAND
DELIVERED AT MILWAUKEE BY
LABORATORY EXAMINER

SAC H. ERNEST WOODBY

See reverse side

Office MILWAUKEE

MI copy

194-35-499

Post Office Box 2058
Milwaukee, Wisconsin 53201
February 9, 1981

Mr. Paul Sturgul
Iron County District Attorney
310 Silver Street
Hurley, Wisconsin 54534

Re: Oliver Charles Piippo, also known as "Peeps"
(Deceased); March 2, 1965, Homicide Investigation

Dear Mr. Sturgul:

As you are perhaps aware, in 1965 an Iron County investigation occurred regarding the death of Mr. Piippo after an incident in the Band Box Tavern on Silver Street in Hurley. A [redacted] was charged in the death but the case was dismissed (Case #M-544). This case was mentioned in the trial of Alex J. Raineri in U. S. District Court in Madison in November-December, 1980, when handwriting of Raineri made in connection with that case was introduced into evidence as known writing. At the time of that case, Raineri was Iron County District Attorney.

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An individual overhearing testimony relating to the Piippo death at the Raineri trial later commented to Special Agent [redacted] of this office that he had witnessed the Piippo death, which occurred when Piippo was struck on the head by a blackjack used by John Kalasardo, owner of the Band Box. The witness noted that Kalasardo is now dead so the truth of the death can now be told.

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In connection with the Raineri investigation it was learned that Kalasardo died in 1980 in Florida where he was residing in retirement.

This information is being furnished to you for whatever possible use it might be in clearing your records.

As the witness requested that his identity not be divulged, it is not being included in this letter. If

- 1 - Addressee
- 1 - USA, Madison
- 1 - Milwaukee (194B-35)

(3)

ROUTE TO [redacted]
READ FOR ACCURACY [redacted]
MARK INDEXING AND [redacted]
INITIAL [redacted]
DATE [redacted]

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b7C

SSEE NOTE PAGE 2

SEARCHED INDEXED
SERIALIZED K FILED LI

194-35-500

any court action should result wherein his name becomes necessary, please contact Special Agent [redacted] in the Wausau Resident Agency of the Federal Bureau of Investigation.

b6
b7C

Very truly yours,

H. ERNEST WOODBY
Special Agent in Charge

By:

[redacted]
Assistant Special Agent in Charge

b6
b7C

MI COPY ONLY: On 1/14/81 the above information was discussed with USA FRANK M. TUERKHEIMER, Madison, Wisconsin, who concurred with the above.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

ALEX J. RAINERI,

Defendant.

No. 80-CR-29

MEMORANDUM OF LAW

This memorandum of law is submitted in opposition to the defendant's proffer of the entirety of the Hope Community Mental Health Center records of [REDACTED]

[REDACTED] Opposition is grounded on the fact that these records are privileged and that their introduction constitutes hearsay.

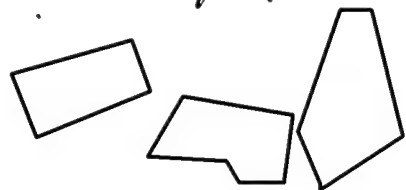
I. Privilege

Pacomia Memorial Hospital referred [REDACTED] to the Hope Community Mental Health Center, [REDACTED] in December, 1979, when she sought treatment. She received counselling until April, 1980.

The Hope Center receives federal funds. Therefore, release of treatment records by the Center must be made pursuant to 42 U.S.C. §4582 (1976), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

The records previously released by the Hope Center in response to this Court's subpoena were stamped with a statement of confidentiality pursuant to federal regulations:

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"This information has been disclosed to you from records whose confidentiality is protected by Federal law. Federal regulations, 42 C.F.R. Part 2, prohibit you from making any further disclosure of it without the specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A general authorization for the release of medical or other information is NOT sufficient for this purpose."

Since the Hope Center receives federal funds, release of its records is governed by Federal statute and regulations; its records are subject to the confidentiality provisions of the law.

Records of the identity, diagnosis, or treatment of a patient which are maintained in connection with the performance of a federally funded alcohol treatment program are confidential under 42 U.S.C. §4582(a) and the regulations in 42 C.F.R., Part 2. Section (a) of the statute states that "[r]ecords of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to alcoholism or alcohol abuse . . . treatment [or] rehabilitation, which is . . . directly or indirectly assisted by any department or agency of the United States shall . . . be confidential."

Section (c) of the Alcohol Treatment Act permits release of records on a court order upon a showing of good cause. 42 C.F.R. §2.63(a)(1980), which governs release of records under the statute, more specifically describes the type of information which may be released pursuant to a court order.

"[T]he scope of an order issued pursuant to this subpart may not extend to communications by a patient to personnel of the program, but shall be limited to the facts or dates of enrollment, discharge, attendance, medication, and similar objective data, and may include only such objective data as is necessary to fulfill the purposes for which the order is issued."

On October 21, 1980, following a hearing on the issue, [] asserted her statutory privilege of confidentiality and denied release of the remainder of the records. Following a hearing, an order for a subpoena was issued to the Hope Center ordering release of records to the defendant and the Court. Most of this file consists of written summaries of confidential communications between [] and Hope Center personnel. Most of the remainder consists of written diagnoses and prognoses. Under §4582(a) and 42 C.F.R. §2.63(a), such information is privileged, confidential, and protected from disclosure.

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The primary purpose of the statute and regulations is to protect the patient and the public interest from unauthorized disclosure of subjective data. The information contained in [] file should not be available to the defense to be made a matter of public record. Congress intended to protect against such disclosures when it passed the narrow privacy provisions of the statute. In 42 C.F.R. §2.63-4 (1980), the regulation's limitation to objective data is discussed in relation to 21 U.S.C. §1175 (1976). The language and confidentiality standards in this companion drug treatment statute are virtually identical to those of the Alcohol Treatment Act. The regulations apply to both acts. The regulations, in discussing limitations to objective data, state that during consideration of the bill "there was nothing to suggest any circumstances

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under which a court order authorizing such a disclosure [of confidential communications] would be either desirable or appropriate. Yet the mere possibility that such an order might be issued is to some a source of anxiety which impairs the effectiveness of treatment. Such an ongoing negative effect outweighs the remote theoretical possibility that some peculiar circumstance might arise in which judicial authorization for such a disclosure might be sought. Accordingly, the limitation is imposed on §2.63 [to objective data] on the scope of (b)(2)(c) orders to preclude the possibility, and hence to eliminate its adverse influence on treatment."

The entire structure of the regulations illustrate an overriding concern to protect a patient's confidential and privileged communications with her counselor in the public interest. Section 2.64(a) prohibits disclosure of the real name of the patient in applications for court orders without patient consent. Section 2.64(b) states that, in any proceeding in which the patient or the program has not been made a party, each must be given notice and an opportunity to be heard on the issue of the records. In determining good cause to issue an order, §2.64(d) states "the court shall weight the public interest and the need for disclosure against the injury to the patient, the physician-patient relationship, and to the treatment services. All of these provisions support the assertion that Congress intended to preclude public disclosure of confidential communications and to protect patients such as from public display of treatment records.

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The regulations go further and, in §2.64(g), provide that any order authorizing disclosure must

- "(1) Limit disclosure to those parts of the patient's record deemed essential to fulfill the objective for which the order was granted;
- (2) Limit disclosure to those persons whose need for information is the basis for the order; and
- (3) Include any other appropriate measures to keep disclosure to a minimum for the protection of the patient, the physician-patient relationship, and the treatment services."

The Alcohol Treatment Act and the regulations are recent. In the few instances where courts have construed them, the patient's privacy privilege generally overrides the right to compel disclosure of the complete record. In United States v. Graham, 548 F.2d 1302 (8th Cir. 1977), the defendants were convicted in a heroin distribution scheme. One of the United States' witnesses had received detoxification at a drug treatment facility which received federal funds. Release of its records, as in this case, were governed by 42 C.F.R., part 2. The witness did not consent to release of her records. The defendants subpoenaed them to determine if they contained any material which might reflect adversely on the witness' credibility. After a hearing to determine whether to quash the subpoena and examination of the records in camera, the District Court released a portion of the records but denied production of the balance. "The court found that the patient's right to privacy inherent in the public interest aspect of preserving the drug prevention program outweighed any benefit the defense might derive from the records. [The witness'] addiction to heroin had been disclosed by her own testimony and the District Court stated that little else would be gained from an examination of the records." 548 F.2d at 1314.

The Court of Appeals affirmed. It noted that the witness was subject to

cross examination and nothing in the records would provide any additional basis for attacking her credibility. The public interest in the confidentiality of these patient records, as embodied in 21 U.S.C. §1175, far outweighed the defendants' need for the information. These same considerations apply to the companion statute, 42 U.S.C. §4582, by regulation, and protect disclosure of [] [] records in the public interest. See also, H. Conf. Rep. No. 92-920, 92d Cong., 2d Sess. (1972), reprinted in [1972] U. S. Code Cong. and Admin. News, pp. 2062, 2072.

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[] asserted her statutory privilege to confidentiality. Under the Alcohol Treatment Act and regulations, [] is protected from unauthorized disclosure of subjective data. Her confidential communications with her counselor and the counselor's diagnosis and prognosis should not be admitted to become a matter of public record. The records originally released by the Hope Center in August conform to the law because they contain primarily objective information [excluding references to diagnoses and prognoses]. These original records were available to the defendant during trial and during cross examination of [] [] The defendant used the information to impeach [] testimony. When [] testified, she was questioned about and admitted the objective facts of her treatment at the Hope Center.

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Now, however, the defendant seeks admission of the entire mental health record of [] As discussed, virtually all of that information is subjective, confidential, and thus protected from disclosure. As in Graham, the Court should examine the records and limit public disclosure to objective information only, including and limited to dates, medication or other similar matter. The

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defendant should not be permitted to offer the entire record and violate []
[] right of confidentiality merely on the supposition that it could
reflect adversely on her credibility.

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As a patient, [] has a right to not have her entire mental health
history become a matter of public record. Such disclosures would violate the
public interest and would fly in the face of Congressional intent to protect
absolutely confidential communications and medical opinions under the statute.
[] asserted privilege of confidentiality should be protected. The
Court should deny admission of the full record beyond objective information, or,
alternatively, should only admit objective facts from that record.

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II. Hearsay

The defendant seeks to introduce confidential records of conversations
between [] and her counselors. He seeks introduction of this hearsay
evidence to prove that the statements were made to the counselor by []
not for the truth of the content of the statements.

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F.R.E. Rule 803(6) sets forth the exception to the hearsay rule for records
of conditions, opinions, and diagnoses if kept in the course of a regularly
conducted business activity. Hospital records fall within the exception. The
rule, however, requires testimony of the custodian or other qualified witness to
establish a foundation. 28 U.S.C. §1732(a) also governs the admissibility of
such records.

The defendant has failed to subpoena and offer testimony of the counselors
who kept notes on conversations with [] Hospital records containing

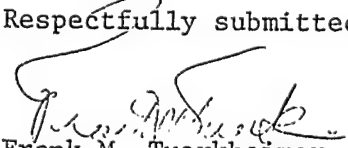
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opinions of physicians or counselors may not be admitted under the Business Records Act or The Federal Rules of Evidence unless that person is available for cross examination. United States v. Partin, 493 F.2d 750, 763 (5th Cir. 1974), cert. denied, ___ U.S. ___ (); United States v. Baker, 419 F.2d 83, 87 (2d Cir. 1969) cert. denied, 90 S.Ct. 1086 (1970).

If the defendant seeks to have these records admitted, whether as exculpatory evidence or for impeachment, he must first provide a foundation. He must offer testimony of counselors who transcribed communications with [] for cross examination. Until this is done, the mental health records should not be admitted.

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Respectfully submitted,


Frank M. Tuerkheimer
United States Attorney

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Iron Exchange Bank

OLDEST BANK ON THE GOGEBIC RANGE

Established 1885

Hurley, Wisconsin

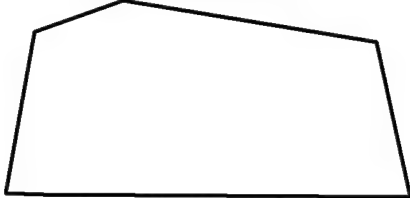
June 6, 1980

Mr. Frank M. Tuerkheimer,
U.S. Attorney
Box 112
Federal Building
Madison, Wisconsin 53701

Re: Alex J. or [REDACTED]

Mr. Tuerkheimer:

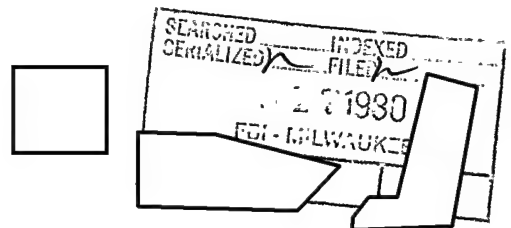
Our records indicate that there were no checks drawn by Mr. Alex J. Raineri or [REDACTED] on this bank payable to Western Airlines in either August or September of 1978. The only activity on the above mentioned account, has been a Check in the amount of \$ 1,416.94 payable to the Iron Exchange Bank, and a check in the amount of \$ 400.00 payable to the City of Hurley which has closed the account.



Ass't Cashier

cc. [REDACTED]
FBI, Box 185
Wausau, Wis.

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ADMINISTRATIVE

The following investigation was conducted by
Special Clerk [redacted] at Las Vegas, Nevada.

Las Vegas Office indices negative regarding
[redacted] Jack "Jackpot" Gasbarri and Alex J. Raineri.

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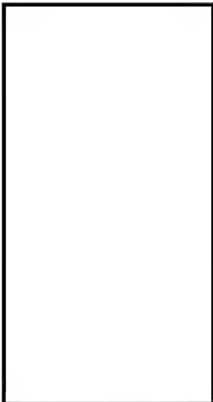



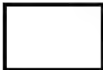
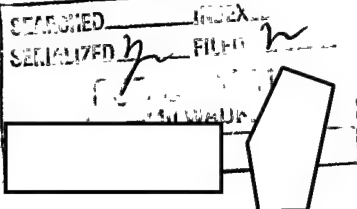
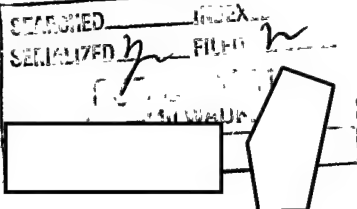

Information concerning [redacted] is found in
Las Vegas file [redacted] entitled [redacted] aka,
[redacted] Al, ITAR - PROSTITUTION, OO: Milwaukee", (Milwaukee
file number [redacted])

There is no other reference to [redacted] in
Las Vegas indices.

194-38-504

LIST OF EXHIBITS RECEIVED ON BEHALF OF THE GOVERNMENT

EXHIBIT LIST

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>	<u>WITNESS</u>
1	Transcript 3/18/80 FGJ Raineri testimony	 (Stipulation)
2	Photo of checks \$2250	
2a	Enlargement \$2250 ck	
3	Savings deposit slip 3/21/77 - \$2250 ck	
4	\$5000 withdrawal 3/21/77	
5	Purchase contract for car	
6	Notebook with copies of checks	
6a	List of dancers	
7	Notebook with checks and stubs	
7a	#1524 Check	
7b	Check Stubs 1171, 1172, 1173	
7c	Check Stubs 1612, 1613, 1614	
8	\$1000 check	
8a	Deposit slip 9/20/77	
9	Unemployment document	
9a	Appeal to DILHR	
10	MGM Grand Photo	
10a	MGM Grand Photo	
11	Cloverland Homes Bill of Particulars	
12	Handwriting	
13	Handwriting	
14	Savings Deposit Book	
15	1979 Show Bar Payroll	
16	Raineri handwriting	
17a	Tape 	

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SERIALIZED FILED
FBI - [illegible]

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17b	Tape Albert Stella	[redacted]	
17c	Tape Alex Raineri	[redacted]	
17d	Tape [redacted]	[redacted]	b6 b7C
19	Liquor license Documents - 4 pcs	Stella [redacted]	
20	Liquor License Documents - 3 pcs.	[redacted]	
21	Liquor License Documents - 5 pgs.	Stella [redacted]	
22	Liquor license Documents - 2 pgs.	Mattson [redacted]	b6 b7C
23	Liquor license Documents - 3 pgs.	Osborne [redacted]	
25	[redacted] divorce documents	[redacted]	
26	[redacted] check #1482	[redacted]	
27	Fingerprints - Raineri	[redacted]	b6 b7C
27a	Fingerprints - Raineri	[redacted]	
28	Raineri handwriting	[redacted]	
29a	Airline Flight Coupons-Lift Tickets	[redacted]	
29b	Airline Flight Coupons-Lift Tickets	[redacted]	
29c	Airline Flight Coupons-Lift Tickets	[redacted]	
29d	Airline Flight Coupons-Lift Tickets	[redacted]	b6 b7C
30a	Raineri check to Western	[redacted]	
30b	Raineri check to Western	[redacted]	
30c	Signature Card, AJR Acct.	[redacted]	
31a	MGM Grand Photo	[redacted]	
31b	MGM Grand Photo	[redacted]	
32	Signature Card, [redacted]	[redacted]	b6 b7C
32a	Documents - [redacted] Account	[redacted]	
32b	Documents - [redacted] Account	[redacted]	
33	Lake Superior District Power Open balance register	[redacted]	

34	American Linen Invoice 9/27/78 - Show Bar	<div style="border: 1px solid black; width: 150px; height: 100px;"></div>
35	Checking Acct. Statement Ritz Bar, Inc., Sept., 1977	
36	Capri Motel daily sheets (2) 9/17, 10/78	
38	Enlargement - <div style="border: 1px solid black; width: 100px; height: 15px;"></div> Check No. 1660 (Poster)	<div style="border: 1px solid black; width: 100px; height: 150px;"></div>
39	Enlargement - LSDP Stub (poster)	
40	Xerox copy of Documents in Gov't. Ex. 7	
41	Enlargement Stubs 1394, 1395	<div style="border: 1px solid black; width: 100px; height: 150px;"></div>
42	Enlargement Check #9658	
43	2 fingerprint enlargements	<div style="border: 1px solid black; width: 150px; height: 80px;"></div>
44	<div style="border: 1px solid black; width: 100px; height: 15px;"></div> invoice #876	
45	7 pages <div style="border: 1px solid black; width: 80px; height: 15px;"></div> handwriting	<div style="border: 1px solid black; width: 150px; height: 80px;"></div>
47	Checks - Alex Raineri (removed from Defense 39)	
48	Checks - <div style="border: 1px solid black; width: 100px; height: 15px;"></div> (removed from Defense 39)	Raineri
49a	Wis. Dept. of Rev. ck.	Raineri
49b	Wis. Dept of Rev. ck.	Raineri
49c	Wis. Dept. of Transportation ck.	Raineri
49d	Wis. Dept. of Transportation ck.	Raineri
49e	Northwestern Nat'l Life ck.	Raineri
49f	Northwestern Nat'l Life ck.	Raineri
49g	Lake Superior District Power ck.	Raineri
49h	Lake Superior District Power ck.	Raineri
55	Check #989 to Internal Revenue	Raineri
56	Check #1392 to <div style="border: 1px solid black; width: 100px; height: 15px;"></div>	Raineri
56a	Photo of 56	Raineri
57	Ck. Acct. deposit slip 9/22/77 \$3437.77	Raineri
58	Ck. Acct. deposit slips (2) \$3208.01 and \$3839.79	Raineri

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59	Request for work record of <div data-bbox="482 313 789 359" style="border: 1px solid black; display: inline-block; width: 186px; height: 17px;"></div> 4/25/77	Raineri
60	Telephone bill - Raineri home phone 9/18 - 10/6/78	Raineri
60a	Copy of 60 marked by <div data-bbox="746 473 905 518" style="border: 1px solid black; display: inline-block; width: 96px; height: 17px;"></div>	<div data-bbox="1053 473 1209 686" style="border: 1px solid black; width: 94px; height: 80px;"></div>
61	Xeroxes of Documents in Evidence .	
62	Xeroxes of Deposit Slips and checks in evidence	

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Office Of

DISTRICT ATTORNEY, IRON COUNTY

HURLEY, WISCONSIN 54534

Paul A. Sturgul
District Attorney

Address: 310 Silver Street
Hurley, Wisconsin 54534
Phone: 715-561-2141



February 23, 1981

Re: ~~Oliver Charles Piippo~~, also known
as "Peeps" (Deceased); March 2, 1965,
Homicide Investigation

H. Ernest Woodby
Special Agent in Charge
United States Department of Justice
Federal Bureau of Investigation
Post Office Box 2058
Milwaukee, Wisconsin 53201

Dear Mr. Woodby:

Thank you for your letter of February 9, 1981, regarding the above entitled homicide. I have given the information in your letter to the press and I am enclosing a photocopy of an article concerning this matter which appeared in the Ironwood Daily Globe on Saturday, February 21, 1981 on page 1. Thank you for this information.

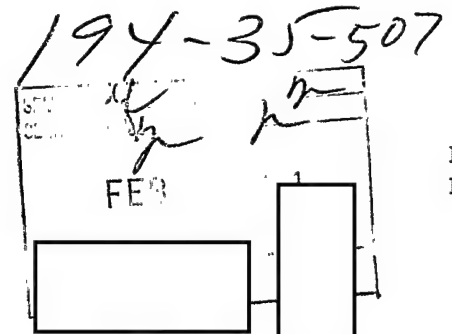
Very truly yours,

Paul A. Sturgul

Paul A. Sturgul
District Attorney

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Hurley Murder Solved When Witness Confesses

Ironwood Daily
Globe 2/31/81
at 1

By Ralph Ansami
Daily Globe Staff

The 1965 murder of an Ironwood man in a Hurley tavern was apparently solved recently when a witness to the slaying told an FBI agent he watched the altercation that resulted in the man's death.

Oliver "Peeps" Piippo, 45, of Houk St., was killed the night of March 2, 1965, at the Band Box Tavern on Hurley's Silver St.

The case came up during testimony in the recent trial of Iron County Judge Alex Raineri on prostitution charges in Madison. An individual who overheard testimony relating to the Piippo death commented to Federal Bureau of Investigation special agent Thomas E. Burg that he witnessed Piippo being struck on the head by a blackjack used by John Kalasardo, owner

of the Band Box.

The FBI notified Iron County Dist. Atty. Paul Sturgul of the witness' statement. The witness requested that his identity not be divulged. H. Ernest Woodby of the FBI wrote to Sturgul.

"The witness noted that Kalasardo is now dead so the truth of the death can now be told," Woodby wrote to Sturgul.

In connection with an investigation of the Raineri case, it was learned that Kalasardo died in Florida in 1980. He was residing there in retirement.

The development in the case 16 years after the apparent homicide occurred has closed the case, according to Sturgul.

That clears a former suspect of any involvement in the homicide.

Ronald Kivi, then 47, Kenosha, a former Ironwood resident, was

charged with Piippo's death the day after the murder. The case against Kivi was later dismissed, however.

Then Iron County Dist. Atty. Alex Raineri decided to charge Kivi after seven witnesses were questioned at length following the altercation.

Piippo sustained a skull fracture at about ear level which was the apparent cause of death.

In the March 3, 1965, edition of the Ironwood Daily Globe, it was reported that the injury was the direct result of a scuffle that occurred between Kivi and Piippo. It was believed that Piippo was either knocked to the floor or fell, striking his head on a dull, rounded edge of a step that used to be a stage at the nightspot.

Raineri was quoted as saying Kivi told three different stories about how

the incident occurred. The district attorney at that time believed that Kivi picked up Piippo after he was injured and attempted to revive him. Kivi then was alleged to have called a taxi to take Piippo home, but the taxi driver refused to take him home and insisted he be taken to the Hurley Police Department.

Police determined Piippo should be taken to the hospital, where he was pronounced dead on arrival.

Iron County Judge Arne Wicklund dismissed the homicide complaint against Kivi on March 18 of 1965. He said there was lack of evidence to support the charge. Testimony of the county coroner and a Hurley police officer corroborated Kivi's testimony that he did not believe that Piippo was dead following the altercation.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

ALEX J. RAINERI,

Defendant.

No. 80-CR-29

GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS

In addition to the Standard Voir Dire Questions in Criminal Cases, the Government respectfully requests that the following voir dire questions be submitted to the jury:

1. Has any of you ever been involved in a criminal trial as a defendant or as a witness? If so, please describe your involvement and state whether or not your past experience would affect your ability to fairly and impartially determine the facts in the present lawsuit.

2. Has any of your close friends or relatives ever been involved in a criminal trial as a defendant or as a witness? If so, please state whether that close friend's or relative's experience would affect your ability to fairly and impartially determine the facts in this lawsuit.

3. Does any juror, by virtue of past dealings with the United States Government, or for any reason, have any bias for or against the Government in a criminal case?

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4. Has any juror, or any relative or acquaintance of a juror, had any experience or knowledge of any experience, which would prejudice the juror either for or against the Government or for or against the defendant?

5. Has any of you or any member of your immediate family or any close associate been involved in operating a bar or tavern? If so, please state who it was, which bar and when the involvement occurred.

6. There will be some evidence presented in this case concerning prostitution. Prostitution is unlawful in the State of Wisconsin and for that reason it constitutes a component of some of the federal charges you are about to try. Is there anyone who feels that crimes involving prostitution ought not to be prosecuted? If so, please describe your feelings and state whether you would be able to try this case fairly despite those feelings.

7. As judges of the fact, you are required to decide this case solely on the basis of the facts produced at trial. Considerations of sympathy or hostility, should you have any, should play no part in the verdict you reach. Is there any juror who cannot accept this principle?

8. Does any juror know of any possible reason, either suggested by these questions or otherwise, why he could not serve impartially in this case and fairly weigh the evidence and render a true and just verdict according to the evidence and according to the law as it will be explained?

Dated this 12th day of November, 1980.

Respectfully submitted,

Frank M. Tuerkheimer
United States Attorney for the
Western District of Wisconsin
Attorney for the United States
of America

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

ALEX J. RAINERI,

Defendant.

No. 80-CR-29

GOVERNMENT'S REQUESTED JURY INSTRUCTIONS

The United States of America, by its attorney, Frank M. Tuerkheimer, United States Attorney for the Western District of Wisconsin, respectfully requests the Court to instruct the jury in the above matter with the following jury instructions, extracted, unless otherwise indicated, from Jury Instructions in Federal Criminal Cases, by the Seventh Circuit Judicial Conference Committee on Jury Instructions, Judge Walter LaBuy, Chairman. [33 F.R.D. 523 (1963) and 36 F.R.D. 457 (1964).] Leave is requested to submit further instructions if further instructions become appropriate.

- \$2.01 Role of the Court
- \$2.02 Binding Effect of Charge as a Whole
- \$2.03 Duty of Jury to Determine the Facts
- \$2.04 Reminder of Voir-dire Obligations
- \$3.01 Single Defendant

144-35-509

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- \$6.01-1 Presumption of Innocence
- \$6.01-2 Burden of Proof
- \$6.02 Matters Deemed Evidence (all subsections, if applicable)
- \$6.03 Matters Not Deemed Evidence (all subsections, if applicable)
- \$6.04 Direct and Circumstantial Evidence Defined
- \$6.05 Credibility of Witnesses
- \$6.06-2 Conviction of a Felony (if applicable)
- \$6.09 Defendant as a Witness (first paragraph, if applicable and requested by defense counsel; second paragraph, if applicable)
- \$6.10 Character and Reputation of Defendant (if applicable)
- \$6.14 Exculpatory Statements
- \$6.16-1 Expert Opinion Generally
- \$6.17 Missing Witness
- \$6.18 Cautionary Instruction Re Publicity (if applicable)
- \$7.01 Deliberations in Jury Room
- \$7.03 Verdicts--Single Defendant and Multiple Counts (Add that the jury verdict must be unanimous.)
- \$7.05 Punishment Not to be Considered by Jury

In addition, the Government requests that the following instruction be given with respect to the offenses charged in the indictment.

Counts I, II and III: Introduction

Counts I, II and III are brought under sections 1952 and 2 of the federal criminal code. In pertinent part, section 1952 makes it a crime for anyone to

"travel in interstate . . . commerce . . . or use any facility in interstate . . . commerce . . . with intent to . . . promote, . . . facilitate, . . . or carry on . . . any unlawful activity and thereafter promotes, facilitates or carries on an unlawful activity."

"Unlawful activity" is defined to include "any business enterprise involving prostitution offenses in violation of the law of the State in which they are committed . . ."

In this connection, I instruct you that Wisconsin law prohibits prostitution (Wis. Stats. §944.30) and keeping a place of prostitution (Wis. Stats. §944.34). Prostitution is defined to include (1) offering or requesting to have nonmarital sexual intercourse for anything of value, (2) committing or offering to commit or requesting to commit an act of sexual perversion for a thing of value--sexual perversion includes oral-genital sex (Wis. Stats. §944.17(2))--and (3) masturbating a person or offering or requesting masturbation for a thing of value (Wis. Stats. §944.30).

Section 2 of the federal criminal code provides that whoever wilfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

The first three counts are brought under these sections.

Count I reads: [Please read count I]

Count II reads: [Please read count II]

and Count III reads: [Please read count III]

Counts I, II and III: The Elements

In order for you to find the defendant guilty on any of these three charges, you must find with respect to the charge that the government has proven each of four elements beyond a reasonable doubt. Those four elements are as follows:

(1) that someone traveled in interstate commerce or used an interstate facility in furtherance of a business enterprise involving prostitution;

(2) that a person who caused the travel or use did so with intent to promote, facilitate or carry on a business enterprise involving prostitution;

(3) that a participant in the enterprise thereafter performed or caused to be performed acts to promote, facilitate or carry on of the unlawful activity; and

(4) that the defendant Raineri was a knowing and willful participant in the unlawful activity at the time of the interstate travel or use of the interstate facility and at the time the subsequent act or acts took place.

United States v. McPartlin, 595 F.2d 1321, 1361 (7th Cir.), cert. denied, 444 U.S. 833 (1979).

Counts I, II and III: The First Element

As I have told you, the first element the government must prove is that someone traveled in interstate commerce or used an interstate facility in furtherance of a business enterprise involving prostitution. With respect to Count I, the government relies on the interstate transportation of the check written to [redacted] with respect to Count II, it relies on the interstate transportation of the check written to Lake Superior Power Company; and with respect to Count III, it relies on the delivery and pick-up service of American Linen Supply Company.

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To be found guilty under section 1952, a defendant need not know or reasonably foresee that the facilities of interstate commerce will be used or that someone will travel in interstate commerce, United States v. McPartlin, 595 F.2d 1321, 1361 (7th Cir.) cert. denied, 444 U.S. 833 (1979); United States v. Peskin, 527 F.2d 71, 78 (7th Cir. 1975), cert. denied, 429 U.S. 818 (1976); United States v. Villano, 529 F.2d 1046, 1054-55 (10th Cir.), United States v. Machi, 352 F. Supp. 1173, 1175 (E.D. Wis. 1972), since the use of interstate facilities or interstate travel merely provides the basis for federal jurisdiction. United States v. McPartlin, 595 F.2d at 1361. It suffices if someone, even a person lacking any involvement in the unlawful activity, traveled in interstate commerce or used an interstate facility in a way which furthered the unlawful activity. United States v. Zirpolo, 288 F. Supp. 993, (D. N.J. 1968), rev'd on other grounds, 450 F.2d 424 (3d. Cir. 1971).

Counts I, II and III: The Second Element

The second element the government must prove is that a person caused the interstate travel or the use of interstate facilities with intent to promote, facilitate or carry on the unlawful activity, which as you know, in this case, means a business enterprise involving prostitution. The words "promote and carry on" are self-explanatory, and I do not think need further amplification. To "facilitate" is probably also in that category; it means to make more easy or less difficult. United States v. Miller, 379 F.2d 483, 486 (7th Cir.), cert. denied, 389 U.S. 930 (1967). The word "cause" is a word of broad import and here is used in its well-known sense of "bringing about." United States v. Legett, 269 F.2d 35, 37 (7th Cir.), cert. denied, 361 U.S. 901 (1959).

Counts I, II and III: The Third Element

The third element of these charges requires the government to prove that, after the interstate travel or after the interstate facility was used with the intent by a person involved in the unlawful activity I have just described, that a participant performed or caused to be performed acts designed to promote, facilitate or carry on the unlawful activity. This means that for a violation of section 1952 to occur, there first must be the occurrence of the interstate activity under circumstances evidencing the intent I have described, and second there must be acts afterward to promote, facilitate or carry on the unlawful activity.

Counts I, II and III: The Fourth Element

Finally, the government must show that Raineri was a knowing and wilful participant in the unlawful activity both at the time of the interstate travel or use of an interstate facility and at the time the subsequent act or acts took place.

The word "knowingly" means [LaBuy, §4.05]

The word "wilfully" means [LaBuy, §4.06]

In order to find the defendant guilty on any of counts I, II and III, you must be satisfied with respect to each of these counts that the government has proved all four elements beyond a reasonable doubt.

Count IV: Introduction

Count IV is brought under section 1623 of the federal criminal code. In pertinent part, section 1623 makes it a crime for a person

"under oath . . . in any proceeding before a grand jury of the United States, knowingly to make any false material declaration."

Count IV reads as follows: [Please read count IV.]

Count IV: The Elements

In order for you to find Raineri guilty on count IV, you must find that the government has proved each of three elements beyond a reasonable doubt. The three elements are as follows:

- (1) that Raineri testified under oath before a United States grand jury, as charged in count IV;
- (2) that while so testifying Raineri made one or more material false declarations charged in count IV;
- (3) that in the making of such false declaration or declarations Raineri acted knowingly.

Devitt and Blackmar §33.10

Count IV: The First Element

The first element the government must prove is that on March 18, 1980, Raineri testified under oath before a United States grand jury. The requirements of this element are self-explanatory, and I do not think further elaboration is required.

Count IV: The Second Element

The second element the government must prove is that while testifying, Raineri made one or more material false declarations.

A declaration is "false" if it was untrue when made and was then known to be untrue by the person making it.

In reviewing the testimony which is alleged to have been false, you should consider such testimony in the context of the sequence of questions asked and answers given, and the words used should be given their common and ordinary meaning unless the context clearly shows that a different meaning was mutually understood by the questioner and the witness.

The "materiality" of the matter involved in the alleged false testimony is not a matter with which you are concerned, but rather is a question for the Court to decide. You are instructed that the questions asked the defendant and answers given, as alleged in the indictment, constituted material matters in the grand jury proceedings referred to in the indictment. Notes to §33.10, Devitt and Blackmar (1979 pocket part).

In order to find the government has proven this element, you need only find that one false declaration was made by the defendant, even though the indictment alleges several declarations are false. Vitello v. United States, 425 F.2d 416, 422 (9th Cir.), cert. denied, 400 U.S. 822 (1970); United States v. Edmondson, 410 F.2d 670, 673 n.6 (5th Cir.), cert. denied, 396 U.S. 966 (1969); Stassi v. United States, supra, at 262; United States v. Otto, 54 F.2d 277, 279-80 (2d Cir. 1931).

Count IV: The Third Element

The third element the government must prove is that the defendant, in making such false declaration or declarations, acted knowingly. The definition of knowingly is essentially as I have already defined it for your.

[Please read LaBuy, §4.05 but omit the last sentence.]

In order to find the defendant guilty on Count IV, you must be satisfied that the government has proven each of the three elements beyond a reasonable doubt.

Count V: Introduction

Count V is brought under section 1503 of the federal criminal code. In pertinent part section 1503 makes it a crime for anyone

"by threat or . . . threatening . . . communication
. . . to endeavor to influence, obstruct or impede
the due administration of justice."

Count V reads as follows: [Please read count V.]

Count V: The Elements

In order for you to find the defendant guilty on count V, you must find that the government has proven each of three elements. The three elements are as follows:

- (1) that Raineri endeavored to influence, obstruct or impede the due administration of justice;
- (2) that this endeavor was by means of a threat or threatening communication directed at a prospective grand jury witness; and
- (3) that Raineri acted knowingly.

(Adapted from Devitt and Blackmar, §32.03)

Count V: The First Element

The first element the government must prove is that Raineri endeavored to influence, obstruct or impede the due administration of justice.

The word "endeavor" means any effort to attempt to accomplish the evil purpose the statute was designed to prevent. Devitt and Blackmar, §32.04.

You will note that Congress has made the endeavor the crime. Therefore, it is not necessary for the government to prove that the purpose of the endeavor was accomplished, but only that the effort was made. Osborn v. United States, 385 U.S. 323, 333 (1966).

The term "due administration of justice" contemplates a free and fair opportunity for every participant in a judicial proceeding--and a grand jury is a judicial proceeding, Davey v. United States, 208 Fed. 237, 241 (7th Cir. 1913)--to have fact questions resolved without outside corrupting influences. Impeding or obstructing the due administration of justice may consist of efforts designed to prevent the grand jury from learning facts it might learn absent such efforts.

Adapted from Devitt and Blackmar, §32.06, and Wilder v. United States, 143 Fed. 433, 441 (4th Cir.), cert. denied, 204 U.S. 674 (1906).

Count V: The Second Element

The second element the government must prove is that the endeavor was by means of a threat or threatening communication directed at a prospective grand jury witness.

The words "threat" and "threatening communication" should be given their everyday meaning, and the government must show that the endeavor was by means of a threat or threatening communication. It is not necessary, however, for the government to prove that a prospective witness was actually intimidated by the threats or threatening communication, but only that the threats or threatening communication, if they were made, had a reasonable tendency to intimidate.

United States v. DeStefano, 476 F.2d 324, 330 (7th Cir. 1973).

The threat or threatening communication must be directed at a prospective grand jury witness. A prospective grand jury witness is one who knows or is supposed to know material facts and is expected to testify to them before the grand jury.

United States v. Griffin, 463 F.2d 177, 179 (10th Cir. 1972);

United States v. Grunewald, 233 F.2d 556, 571 (2d Cir. 1956), reversed on other grounds, 353 U.S. 391 (1957).

COUNT V: The Third Element

The third element the government must prove is that Raineri acted knowingly.

[Please read LaBuy, §4.05 but omit the last sentence.]

Respectfully submitted,

Frank M. Tuerkheimer
United States Attorney
Attorney for the
United States of America

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FEB 23 1981

U.S. ATTORNEY
Western District—Wisconsin

DOCKET NUMBER	113
U. S. DISTRICT COURT WEST. DIST. OF WISCONSIN FILED	
FEB 20 1981 M.	
JOSEPH W. SKUPNIEWITZ, CLERK	
CASE NUMBER	80-CR-29

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER
80-CR-29

v.

ALEX J. RAINERI,

Defendant.

Defendant has moved for a new trial or, in the alternative, for judgment of acquittal following the jury verdict returned on December 17, 1980, finding him guilty on five felony counts. For the following reasons the motions are denied.

With respect to the contentions raised by defendant in paragraphs 1, 2 and 3 of his motion, there is no reason to state anything more than has already been stated by the magistrate in his Report and Recommendation and by the court in adopting that report and recommendation.

With respect to the point raised in paragraph 4 that defendant was tried for "work done as an attorney, rather than for criminal acts," I continue to have difficulty understanding what is meant by that assertion. If defendant is contending that it was not a violation of federal law for him to have practiced law while he was serving as a circuit court judge, he is correct. While such activity might violate the canons of judicial ethics, it would not violate any federal law. However, the government was not prosecuting the defendant for the sole activity of practicing law; the government was prosecuting the defendant for the nature of the work performed: that is, work facilitating the carrying on of an unlawful

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this 23 day of Feb, 1981
By [Signature]
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activity.

If defendant is contending that there is some immunity from criminal law for activities promoting and facilitating the carrying on of an unlawful activity if the acts are performed by a lawyer in aid of his client, he is absolutely wrong. There is no such immunity.

Finally, if defendant is contending that whatever business or legal assistance he gave [] was only that of an attorney-client and that he did not have sufficient knowledge of what was actually going on at the Show Bar to make his legal assistance criminal, the jury found to the contrary. Therefore, I conclude that there is no merit to this contention, however it is construed.

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Also in paragraph 4, defendant contends that he was tried for his "connections with [] not for acts in furtherance of [] criminal activity. The contention is not supported by the record.

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With respect to defendant's contention in the same paragraph, that objections made by him during the trial to the relevance of certain evidence should have been sustained, nothing needs to be said in the absence of any reference to a specific objection.

In paragraphs 5 and 6 of his motion, defendant contends that there was an inadequate interstate nexus upon which to base federal jurisdiction and that, in addition, there was an adequate state remedy for the prosecution of the crimes alleged. That point has been dealt with at length in the Report and Recommendation of the magistrate, the court's decision of November 10, 1980, and the statement of the court denying defendant's motion for acquittal at the close of the government's case.

In paragraph 7, defendant contends that it was reversible error to deny defendant an opportunity to move into evidence [] medical records. In view of the defendant's failure to raise this issue prior to trial despite the numerous opportunities provided for him to do so, and in view of the hearsay

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nature of much of the medical records, this contention has no merit. It should be noted that the primary import of the medical records related to psychiatric and psychological evaluations of [REDACTED] Generally, evaluations of medical conditions, as opposed to notations of objective factors, are not admissible under any medical records exception. In order to make information of this sort admissible, it would have been necessary for defendant to have called the person who did each evaluation and to have elicited testimony from that person. To the extent that defendant did this by calling one of the treating psychiatrists, defendant was able to put in evidentiary opinions about [REDACTED] mental condition and medical status.

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In paragraph 8, defendant contends that it was improper and prejudicial for the court to comment to the jury after defendant's closing argument. The record will indicate that the comment related to defendant's assertion in his closing argument that the government had set out to procure perjured testimony. It remains my opinion that such an assertion is improper in closing argument.

In paragraph 9, defendant contends that the jury should have been instructed that the defendant must have been shown to have knowledge that an interstate facility would have been used in order to have been found guilty of the charges contained in Counts I, II and III. This assertion flies in the face of the ruling of the United States Court of Appeals for the Seventh Circuit in United States v. McPartland, 595 F.2d 1321, 1361 (7th Cir. 1979), and is without merit.

In paragraph 10, defendant contends that it was reversible error for the court to quash the subpoena issued on [REDACTED] The record indicates the reasons for the quashing of the subpoena as well as the opportunities presented to defendant to show that he would be calling [REDACTED] as a witness for any reason other than to continue to try to impeach her credibility as a witness. With respect to the contention regarding the subpoena for [REDACTED] without a

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specification of the error complained of, no ruling is required.

The contentions raised in paragraphs 11 and 12 are refuted by the record.

Finally, in paragraphs 13 and 14, defendant raises issues which were dealt with prior to trial and in the course of trial. No further statement on either issue would be helpful.

ORDER

IT IS ORDERED that defendant's motion for a new trial or, in the alternative, for a judgment of acquittal, is DENIED.

Entered this 20th day of February, 1981.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
District Judge

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FEB 17 1981

UNITED STATES OF AMERICA

U.S. ATTORNEY
Western District—Wisconsin

WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

80CR29

ALEX J. RAINERI,

Defendant.

MOTION FOR A NEW TRIAL, OR IN THE ALTERNATIVE, FOR
A JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDICT

Alex Raineri, by his attorneys, [redacted] of
Linehan Law Offices of Wausau and [redacted] of
Linehan Law Offices of Madison, move the Court for an order
granting a new trial in the above-entitled action, or in
the alternative, granting a judgment of acquittal, not-
withstanding the verdict on the following grounds:

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1) The location of trial in this action should have
been in Superior, Wisconsin or in Hurley, Wisconsin, rather
than in Madison, Wisconsin. This issue has been fully briefed,
and the Defendant respectfully directs the Court to Section II
of Defendant's Memorandum in Support of Motions and to Section
IV (B) of Defendant's Reply Memorandum in Support of Motions.
The standard (convenience to the Defendant and his witnesses)
was clearly met. Furthermore, as the Court is aware from
having conducted the trial of this matter, both the Defendant
and many of his witnesses resided in Hurley, Wisconsin.

2) Counts four (4) and five (5) should have been severed
from counts one (1), two (2) and three (3), for the purposes
of trial. It is the Defendant's contention that severance

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[redacted]

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in this action should have been based upon Rule 14 of the Federal Rules of Criminal Procedure.. The Defendant respectfully refers the Court to Section I of Defendant's memorandum in support of motions and to Section IV (A) of Defendant's Reply Memorandum in support of motions.

3) The implementation of the jury selection plan in this district discriminates against the Defendant's right to a fair and impartial jury and discriminates against the rights of jurors to serve, including the rights of the jurors in the District which the Defendant lives. Evidence has been introduced which establishes that three-fifths of the potential jurors in the Western District of Wisconsin, on a geographical basis, have not seen jury service for five (5) to fifteen (15) years based on implementation of the jury selection plan.

The record in this matter is uncontroverted. The Clerk of the District Court for the Western District of Wisconsin testified that jurors in the division of this District which was once served by the Superior Courthouse, as well as two (2) other divisions, have not seen jury service for five (5) to fifteen (15) years based on the implementation of the jury selection plan used by this district.

4) Defendant asserts that the objections to Government evidence on the grounds of relevance which were made by the Defense in this trial, and which were overruled, should have been sustained. This issue includes, but is not limited to the fact that the Defense believes the Prosecution tried the Defendant on moral rather than legal issues and tried the Defendant for work done as an attorney, rather than for criminal acts. The Defense also alleges that the Defendant was tried for connections with [REDACTED] which connections with [REDACTED] were not related to [REDACTED] criminal activity and were not in furtherance of [REDACTED]

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criminal activity, and that substantial evidence introduced in this regard was not in fact relevant to the indictment.

5) The Defendant alleges that federal jurisdiction should not have been found to exist in this case on the grounds of happenstance. Defendant is alleging that the interstate nexus was an inadequate interstate nexus.

Defendant respectfully refers the Court to Section IX of Defendant's memorandum in support of motions and to Section III (A) (6) of Defendant's Reply Memorandum in support of Defendant's motions.

6) The Defendant alleges that there was an adequate State remedy for the prosecution of the crimes alleged in the indictment, and therefore, Federal jurisdiction should not have been enforced.

The Defendant alleges that the charges contained in the indictment in this action were beyond the scope of Federal jurisdiction and beyond the scope of the Federal Statutes involved, since the legislative history of that Statute indicates that it was not aimed at the activities testified to at this trial, but was rather aimed at racketeering.

In support of this portion of Defendant's motion, the Defendant respectfully refers the Court to Section III (B) of Defendant's Memorandum in support of motions and to Section III (A) (2) (b) of Defendant's Reply Memorandum in support of motions.

7) The Defendant alleges that the Court's failure to allow medical records of [REDACTED] into evidence at this trial constitutes reversible error.

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The Court ruled that Defense counsel had in some fashion delayed raising this issue, and we were therefore foreclosed from putting the medical records into evidence.

As Defense counsel argued on the record during the trial, the legal issues involved in the admission of these records were very clear, based on the exact wording of the Statutes, and the records were in so sense privileged because they did not relate to treatment for alcoholic or drug-related problems.

8) The Defendant alleges that the Court's comment to the jury after Attorney [] argument was improper and prejudicial, as well as unnecessary. The Defendant respectfully requests a new trial.

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9) The Defendant alleges that a necessary element of the charges on which the Defendant was convicted should have been knowledge of the use of an interstate facility.

While the Defendant concedes that this issue has, to a certain extent, been decided in U.S. vs. McPartlin, the decision in McPartlin was erroneous and the Defendant respectfully requests this Court to grant a new trial on the grounds that the jury was improperly instructed that the Defendant need not be aware of the use of an interstate facility.

10) The Defendant alleges that the Court's order quashing the subpoena issued on [] violates the Defendant's right to confront witnesses against him and to call witnesses in his own behalf and to have effective assistance of counsel, as well as the right to present a defense. Defendant makes the same allegation with regard to the Court's treatment of the subpoena for []

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11) The Defendant alleges that the comments by the Prosecutor in his closing statement relating to the business enterprise aspect of the indictment being satisfied by the ongoing operation of the Show Bar as a

tavern were improper comments, and should have been stricken from the record.

12) The Defendant alleges that there was insufficient evidence to convict the Defendant in this matter.

13) Defendant requests a new trial, or alternatively, a judgment of acquittal on the grounds that the Defendant was denied his right to a speedy trial. The entire record in this matter will indicate the length of time which passed between the arraignment and the swearing of the jury.

The Defendant believes that the Federal Speedy Trial Act was violated by the length of time between the Defendant's arraignment and the trial of this action.

14) The Defendant requests a directed verdict of a judgment of acquittal with regard to count four (4) of the indictment of this action on the grounds that the allegations in count four (4) of the indictment, when combined with the proof put forth in support of that count by the Government, were not material to the investigation of the Grand Jury in this matter.

This motion is based upon the pleadings, records and files in this action, plus such evidence as will be presented to the Court at the time of the hearing on this motion.

Dated this 15 day of February, 1981

Respectfully submitted,

[Redacted Signature]

Attorney for Defendant

114 North Carroll Street
Madison, WI 53703
(608) 257-0625

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194-35-

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DOCKET NUMBER	110
U. S. DISTRICT COURT WEST. DIST. OF WISCONSIN FILED	
JAN 20 1981 M.	
JOSEPH W. SKUPHILWITZ, CLERK	
CASE	80-CR-29
FILED	

UNITED STATES OF AMERICA,

Plaintiff,

ORDER
80-CR-29

v.

ALEX J. RAINERI,

Defendant.

Rather than respond to the grounds as stated by defendant in his motion for a new trial in their present, incomplete form, I will provide defendant an additional thirty days; that is, until February 16, 1981, in which to prepare and file a revised motion setting forth each ground with particularity and supporting the grounds with references to specific portions of the transcript where necessary.

No evidentiary hearing will be scheduled on any of the grounds stated in support of defendant's motion for a new trial until defendant has made a sufficient threshold showing to require the holding of such an evidentiary hearing.

Entered this 20th day of January, 1981.

BY THE COURT:

Barbara B. Crabb

BARBARA B. CRABB
District Judge

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By <u>[Redacted]</u>	Deputy Clerk

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Western District - Wisconsin

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UNITED STATES
OF MICHIGAN
ATTORNEY GENERAL

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FEB 17 1981

DANIEL W. GENTON

U.S. ATTORNEY
Western District—Wisconsin

February 15th, 1981

The Honorable Barbara B. Crabb
Western District of Wisconsin
P.O. Box 1724
Madison, WI 53701

Re: U.S. vs. Raineri - Case No. 80-CR-29

Dear Judge Crabb:

I have received your letter of February 5th, 1981 in which you stated that it had been your assumption that our motion for a new trial would be accompanied by a brief in support of that motion, and during which you provided the Government with a briefing deadline.

I have enclosed our amended motion for a new trial or in the alternative for a judgment of acquittal notwithstanding the verdict. Within the body of that motion, I have referred to portions of our memorandum in support of motions and our reply memorandum in support of motions. It is our position that these memoranda adequately brief the issues raised in our motion for a new trial. None of the issues in this motion are "new" in the sense that they have all been raised by either pretrial motions or objections during trial.

Respectfully,

[Redacted Signature]

cc: Alex Raineri
Atty. [Redacted]
Frank M. Tuerkheimer

[Redacted]

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Sentencing Date Set for Raineri

MADISON, Wis. — Sentencing has been set for March 6 in U.S. District Court for Iron County Circuit Judge Alex Raineri, who was convicted in December on five federal charges relating to prostitution in Hurley.

Raineri, 62, has been suspended from the bench since being indicted by a federal grand jury last

June.

The charges against Raineri stemmed from his involvement at the former Show Bar, a Hurley nightclub that federal prosecutors said featured prostitution. Raineri was convicted of three counts of promoting prostitution, one of lying to the grand jury and one of threatening a witness.

The nightclub's owner, Cira Gasbarri, was the chief government witness.

Still pending before U.S. District Judge Barbara Crabb is a motion for a new trial. The final date for submission of briefs on the motion is Feb. 25.

The request cites 13 grounds for a new trial, including a contention that there is newly discovered evidence in the case. The petition filed by Raineri's attorney, Gene Linehan of Wausau, said a chief government witness has informed parties known to Raineri that she committed perjury during the trial.

The petition also challenges the jury selection process, the prosecutor's final arguments and the relevancy of material submitted to the jury by Judge Crabb.

Linehan has said he plans to appeal the conviction to the U.S. 7th Circuit Court of Appeals in Chicago if the motion for a new trial is rejected.

(Indicate page, name of newspaper, city and state.)

Date:

Edition:

Title:

Character:

or

Classification:

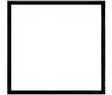
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Alex J. Raineri
STATE OFFICER OR EMPLOYEE (TYPE OR PRINT NAME PLAINLY)
Iron County Courthouse
RESIDENCE
Hurley WISCONSIN 54534
MONTH-YEAR Oct. '78 HEADQUARTERS OR HOME STATION
FUND DEPARTMENT SOCIAL SECURITY NUMBER
02 680 - 399-01-1145
PROG APP SUB LEVEL L1 L2 L3 PROJ CLASS FY AMOUNT CENTRAL ACCTG FOR AGENCY USE
241 121 2124 9 97539
A2-013-088
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N6 128
TOTAL MILES 540 TOTAL COST 97539

Pursuant to S. 16.53 I hereby certify that all items of travel expense on this voucher conform to all statutory provisions, were necessarily incurred in the official performance of duties required by the state service, and are determined to be reasonable and actual.

AGENCY HEAD OR AUTHORIZED REPRESENTATIVE

AUDIT ORDER, S. 16.53(4), Wisconsin Statutes

Audited pursuant to Chapter 16 of the Wisconsin Statutes and allowed in accordance with the provisions of Chapter 20 as shown above. Certified to the State Treasurer payable from fund shown above.

DIRECTOR, STATE BUREAU OF FINANCIAL OPERATIONS
DEPARTMENT OF ADMINISTRATION

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INSTRUCTIONS

1. GENERAL
 - a. Before you begin your travel become familiar with these instructions and agency travel guidelines.
 - b. Before incurring any expenses incident to a move make certain you authorization and are proceeding in accordance with s. 20.917 and per directives.
 - c. Prepare and submit your own travel voucher once each month. Print or write certain all applicable information is provided including the specific nature of related expenditures.
 - d. Before you sign your voucher take careful note of the certification you are check to be sure computations are correct and that required supporting documents are attached.
 - e. Before you route your voucher thru prescribed agency channels you supervisor's approval (signature) on itinerary side.
 - f. Be sure to retain a copy of your voucher for income tax return purposes. Report all reimbursements for meal expenses not involving overnight travel. See tax regulations for further details on this and other items subject to federal income tax.
2. RECEIPTS. Attach machine printed hotel receipt or common carrier ticket for travel and transportation, except taxi and air limousine. Receipts are not required for an unusual amount which must be accompanied by a receipt and explanation. Write receipt if possible. (See Item 10) Attach receipts to upper left corner where indicated.
3. ITEMS CHARGED TO STATE. To charge meals, lodging or transportation you need permission from your agency. Be sure the vendor charges your agency. Write column for item charged. Indicate cross reference to voucher or purchase order are involved.
4. SCHEDULED AIR TRAVEL. Use lowest class. If only first class is available, obtain the carrier to that effect or get approval as required by your agency. (See Item 10)
5. PERSONAL OR CHARTERED AIRPLANE. See s. 20.916.
6. PERSONAL AUTO
 - a. State daily starting point and destination. Explain mileage in excess of normal.
 - b. Compute mileage using prescribed rates in effect for your category or bargaining unit.
 - c. If claim exceeds amount of economy air fare, state why personal auto is used. (See s. 20.916(4)).
 - d. Do not claim mileage between your residence and headquarters city.
 - e. Attach Additional Mileage Reimbursement, form AD-A-9, if the additional allowance is claimed.
 - f. List names of passengers accompanying you on business under "Other".
 - g. Make sure you have clearance to use personal auto; otherwise reimbursement is based on operating cost per mile of state car fleet.
7. STATE-OWNED VEHICLE. State daily starting point and destination if travel is more than 100 miles. Include vehicle number if possible.
8. MEALS. If you tip for a meal, you may be reimbursed up to 15% per meal cost of the tip in the amount claimed for the meal. See your agency guidelines governing meal reimbursement.
9. OTHER ALLOWABLE EXPENSES
 - a. You may be reimbursed for tips for taxis and air limousine up to the maximum charge. Include tips in fare amount claimed. Tips for Porterage may not be claimed for each stay at hotel or motel.
 - b. If away from home more than 3 days, you may be reimbursed for reasonable pressing service not in excess of one charge each per week.
 - c. If you telephone a State agency while traveling, call collect if possible to avoid charges cannot be reimbursed. Show names of parties, etc. for official toll calls.
 - d. Specify each item as toll, parking, storage, laundry, cleaning, pressing, telephone, limousine, etc.
 - e. If unusual items or amounts are claimed, follow procedure required by your agency (See Item 10)
10. EXCEPTIONS. You may claim all actual, reasonable and necessary expenses. If an expense is unusual, specific approvals are required. Get these approvals as required following expenses are considered unusual:
 - a. Out-of-State. Approval must be by agency or institution head only.
 - b. Headquarters City. Approval must be by agency head only.
 - c. Unusual Items and Amounts or First Class Travel. Approval may be by agency head or authorized representative.

b6
b7C

b6
b7C

C-400

Business purpose of trip	From-To (Include Time of Dep. From Hqs. & Return)	TRANSPORTATION		LODGING	MEALS, including tips			OTHER ALLOWABLE EXPENSES		TOTAL EXPE
		Miles	Fare		Morning	Noon	Evening	Item	Amount	
College of Judiciary	Hurley to Minneapolis (round trip)	540		23.00	2.45	3.20	5.95			34.60
"	Minneapolis to Reno (round trip)	186.00		21.20	2.20	3.40	6.90			219.70
"				21.20	2.10		6.75	Bus	2.40	32.45
"				27.03	2.60		6.80	"	2.40	38.83
"				27.03	2.55		5.85	"	2.40	37.83
"				27.03	2.15		6.55	"	2.40	38.13
"				29.68	2.50		6.95	"	2.40	41.53
"				29.68	2.50	3.55	5.90			41.63
"					2.45	3.45	6.70			12.60
"					2.25		6.95	"	2.40	11.60
"					1.95		6.85	"	2.40	11.20
"					2.40		6.85	"	2.40	11.65
"					2.25		6.55	"	2.40	11.20
"					2.55		6.95	"	2.40	11.90
"				112.25	2.35	3.50	6.90			125.00
"					2.40	3.60	6.75			12.75
"					2.50		5.85	"	2.40	10.75
"					2.20		6.40	"	2.40	11.00
"					2.70		6.80	"	2.40	11.90
"				25.40	2.55	3.75	6.95	"	2.40	111.05
"				18.19	2.55	3.30	6.90	"	2.40	33.34
"					2.60	3.55	6.80			12.95
TOTALS		540	186.00	431.69	52.75	31.30	145.85		36.00	872.59

STATEMENT, S. 16.53(1)(c)4, Wisconsin Statutes

I declare under penalty of perjury, that this account of daily expenses is true and correct and that the Wisconsin Statutes and instructions printed hereon. These are actual, necessary expenses incurred by me personally in the performance of duties in the service. No part of this account has been reimbursed to me.

Declarant's Signature

8

Approved by Supervisor

Date

TOTAL MILEAGE COST \$ 91.80

GRAND TOTAL \$ 964.39

97539

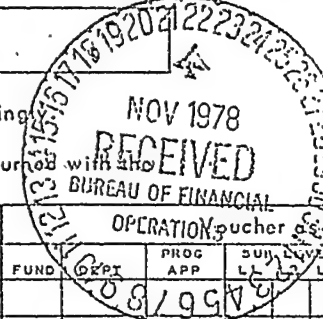
VOUCHER SUSPENSION NOTICE
AD-A-18

State of Wisconsin/Department of Administration
STATE BUREAU OF FINANCIAL OPERATIONS

TO Courts

Please take action indicated below, and change your records accordingly.

This notice must be signed by your authorized representative and returned with the voucher.



Date	11-17-78
Voucher Number	1931
Batch Number	N6 128

Voucher as Submitted										Voucher as Corrected									
FUND	DEPT	PROG APP	SUB LEVEL			PROJ	CLASS	F	AMOUNT	FUND	DEPT	PROG APP	SUB LEVEL			PROJ	CLASS	F	AMOUNT
02	680	241				12	2124	9	975.39		08	199							

Action Required

1. Certifying officer must sign	6. Change amount on face of voucher to
2. Claimant must sign	7. Change coding
3. State official business	8. Deduct Federal Excise tax
X 4. Attach receipt or invoice /lodging for 9-17-78	9. Take discount FOR TWO DAYS
5. Limit lodging charge to single room rate	10. Deduct Wisconsin Sales Tax

Other 1. Please justify enroute expenses on Sept. 16 + Oct. 7 of 1978.
2. Please supply lodging receipt other than adding machine tape for \$18.19 on 10/6/78.
3. Please explain increase in lodging cost in same hotel & room on 9/22/78.
4. " " explain why the individual did not stay at the National College of

STATE BUREAU OF FINANCIAL OPERATIONS
(Tel. 266-3052) State Judiciary site. 5. Also, justify bus fare of \$2.40 per day.

I hereby approve the changes detailed above.

By _____
Signature _____ Representative

B _____

b6
b7C

Sept - Oct 1978
ITINERARY

Time of Dep. From Hqs. & Return

to Minneapolis
(round trip
to Reno)

TOTALS

is true and correct and
hereon. These are actual,
the performance of duties
rised to me.

I declare, under penalties of perjury, that this account of daily expenses is true and correct and in conformity with the Wisconsin Statutes and institutions printed hereon. These are actual, reasonable and necessary expenses incurred by me personally in the performance of duties required by the public service. No part of this account has been reimbursed to me.

CLAIMANT'S STATEMENT, S. 16.53(1)(c)4, Wisconsin Statutes		TOTALS		540	186.004316252.75
---	--	--------	--	-----	------------------

9-26	"			1.95
9-27	"			2.60
9-28	"			2.25
9-29	"			2.55
9-30	"		112.25	2.35
10-1	"			2.40
10-2	"			2.50
10-3	"			2.20
10-4	"			2.70
10-5	"		25.40	2.55
10-6	"		18.19	2.55
10-7	"			2.60

[illegible]

view Motel & Liquor

Phone (702) 323-8309

North Virginia St.

Reno, Nevada 89503

Expenses for

Sept - Oct 1978

Collective Bargaining Unit
(If Applicable)

UNIT NO. 5

DATE IN 9/24/78

DATE OUT 10/21/78

TOTAL DAYS 7

DAYS OCCUPIED

MISCELLANEOUS CHARGES

PHONE

TOTAL

ROOM TOTAL 185.00

GRAND TOTAL

TAX - IF ANY 7.25

AMOUNT PAID 411.25

TRANSPORTATION

Miles 540

Fare 186.00

LODGING

Morning 2.40

Noon 2.20

MEALS, including tips

2.20

2.10

2.60

2.55

2.15

2.50

2.50

3.55

3.45

6

6.8

6.5

6.95

6.90

5.85

6.40

6.80

6.95

6.20

6.80

STATE NV

ZIP 89503

STATE NV

NUMBER PERSONS 1

CR. CARD CO.

CR. CARD NO.

SE PAY IN ADVANCE

REFUSE SERVICE TO ANYONE AND WILL NOT BE RESPONSIBLE FOR ACCIDENTS OR FOR LOSS OF MONEY, JEWELRY OR VALUABLES OF ANY KIND.

CLERK

CLAIMANT'S STATEMENT, S. 16.53(1)(c)4, Wisconsin Statutes

TOTALS

540

186.00

431.69

52.75

31.30

145.5

I declare, under penalties of perjury, that this account of daily expenses is true and correct and in conformity with the Wisconsin Statutes and instructions printed hereon. These are actual, reasonable and necessary expenses incurred by me personally in the performance of duties required by the public service. No part of this account has been reimbursed to me.

10-31-78

AD-A-7 (7/73)

Approved by Supervisor

Date

FOLIO NUMBER

CAPRI MODEL

Q.M.	RATE	DATE	AMT. PAID	RECEIVED BY
18	10.00	9-17-76	10.00	LC

THIS IS YOUR RECEIPT

THANK YOU

THANK YOU

BALANCE	PICK-UP
* 77.73	21.33
* 59.26	59.26
* 81.29	81.29
* 110.77	110.77
* 29.60	29.60
* .00	

1/68

ining Unit		MEALS, Includ	
DN	LODGING	Mornin	
23.00		2.45	
21.20		2.20	
21.20		2.10	
27.03		2.60	
27.03		2.55	
27.03		2.15	
29.68		2.50	
29.68		2.50	3.5
		2.45	3.4
		2.25	
		1.95	
		2.40	
		2.25	
		2.55	
112.25		2.35	3.
		2.40	3.
		2.50	
		2.20	
		2.70	
25.40		2.55	3.
18.19		2.55	3.
		2.60	3.
0043169		52.75	31
..... Miles not over			
..... Miles over			
..... Miles at additional 14			
Supervisor			

ROOM

RATE

TAX

NO. PERSONS

Holiday Driv. - DOWNTOWN

1000 East Sixth Street
RENO, NEVADA 89502
Telephone 702/786-5151

FORM
WITHO

W. W. PETERSON & SONS, INC.


Guests

DATE

FOLIO NUMBER

LAST NAME	INITIAL	RATE	SEG	C/O	REMARKS
-----------	---------	------	-----	-----	---------

MEMO	DATE	REFERENCE	CHARGES	CREDITS	BALANCE	PREVIOUS BALANCE PICK-UP
for the						
on whose						
entatives						
in case of						
made in						
in 7 days						
date the						
ternationa						
except as						
riage, c						
prior to						
cable fare						
d baggage						
ot guaran						
substitute						
shown on						
ut notice						
sent exit						
carrier or						
er, modify						
ATIONS						
LATIONS						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						

BILLING ADDRESS	NAME OR FIRM	BILLING SIGNATURE
STREET		 BLOOMINGTON 1919 EAST 78TH ST. AT CEDAR AVE. BLOOMINGTON, MINNESOTA 55420 TELEPHONE (612) 854-7441
CITY STATE		
ATTENTION		

TOLL FREE RESERVATIONS CALL 800-228-9290

Holiday Inn® - DOWNTOWN

1000 East Sixth Street
RENO, NEVADA 89502
Telephone 702/786-5151

616 427 77 101 54145 85

Miles not over _____ at _____

Miles over _____ at _____ per _____

Miles at additional 1¢ _____

FORM LITHO

Date _____

64777

AL

PRESS BUSINESS FORMS

Western Airlines		PASSENGER TICKET AND BAGGAGE CHECK				ORIGIN		AIRLINE FORM SERIAL NUMBER			
SUBJECT TO CONDITIONS OF CONTRACT ON PASSENGER'S COUPON		DEPART COUNT		PASSENGER'S COUPON		DESTINATION		017 4440 898 732			
NAME PASSENGER		NOT TRANSFERABLE		DATE OF ISSUE		ISSUED IN EXCHANGE FOR		DATE AND PLACE OF ORIGINAL ISSUE			
TAMER/AVE											
X/O	NOT GOOD FOR PASSAGE	CARRIER	FLIGHT	CLASS	DATE	TIME	STATUS	FARE BASIS/CT. DESIGNATOR	NOT VALID BEFORE	NOT VALID AFTER	ALIAS
1	MINNEAPOLIS/STPAUL	WA	61	Y	17SEP	615A	OK	YWE6			
X	SALT LAKE CITY	WA	671	Y	17SEP	915A	OK	YWE6			
O	RENO	WA	344	Y	6OCT	400P	OK	YWE6	24SEP	1NOV	
X	SALT LAKE CITY	WA	64	Y	6OCT	915P	OK	YJF5			
	MINNEAPOLIS/STPAUL										
FARE		172.22		FARE CALCULATION		NON REF CHECK					
TAX		13.78									
TOTAL		186.00									
TRANSACTION NUMBER		05340151		TICKET NUMBER		017 4440898732 4					

(Indicate page, name of newspaper, city and state.)

(Mount Clipping in Space Below)

Raineri conviction appeal denied

By Anita Clark
Of The State Journal

A Hurley judge convicted of five federal charges involving a prostitution business has lost his bid for a new trial or a reversal of the jury verdict.

The defense motions on behalf of suspended Iron County Circuit Judge Alex J. Raineri have been denied by U.S. District Judge Barbara Crabb in Madison.

Raineri, 62, was convicted Dec. 1 by a jury in Madison on federal charges of perjury, threatening a witness and engaging in interstate transactions involving prostitution the Show Bar, a Hurley tavern.

He will be sentenced March 6 by Judge Crabb.

Defense attorney Daniel Linehan said that Raineri was prosecuted because of work done as an attorney, rather than for criminal acts.

"I continue to have difficulty understanding what is meant by that assertion," Judge Crabb wrote in a decision denying the motions.

There is no immunity for a lawyer who commits crimes to help a client and the government was not prosecuting Raineri for practicing law, she said.

"Therefore, I conclude that there is no merit to this contention, however it is construed," she said.

She also rejected defense objections to her refusal to admit as evidence some medical records of Cira Gasbarri, owner of the Show Bar and the main witness against Raineri.

Linehan complained that the judge made a prejudicial comment to the

jury after his closing argument in the three-week trial.

"The comment related to defendant's assertion in his closing argument that the government had set out to procure perjured testimony," Judge Crabb said. "It remains my opinion that such an assertion is improper in closing argument."

Other issues raised by Linehan were decided before or during the trial and no further discussion would be helpful, she said.

Raineri faces a possible maximum sentence of 25 years in prison and a

\$45,000 fine.

Linehan said Tuesday he will appeal Raineri's conviction to the 7th U.S. Circuit Court of Appeals in Chicago on the day of sentencing or soon afterward. If a jail term is imposed, he said, he will seek to have it postponed while the appeal is pending.

Raineri, formerly Iron County District Attorney, has been suspended from his judgeship since being indicted in June. Gov. Lee Dreyfus is expected to appoint a replacement after a vacancy is created officially when Raineri is sentenced.



Judge Raineri

Date: 2/25/81

Edition: METRO
WIS. STATE JOURNAL
MADISON, WISCONSIN
Title:

Character:

or

Classification: 194-35-1
Submitting Office: MILWAUKEE

194-35-515

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 2 1981	
FBI-MILWAUKEE	

b6
b7c

(Indicate page, name of newspaper, city and state.)

A-13

Date: 2/25/81
 Edition: Daily
 Daily News
 Rhinelander, WI.

Title:

Character:

or

Classification: 194B-35
 Submitting Office: Milwaukee

(Mount Clipping in Space Below)

DA closes books on Hurley slaying

HURLEY (UPI) — Iron County District Attorney Paul Sturgul said today the 1965 slaying of Oliver (Peeps) Piippo in the Band Box tavern has been solved.

The killer, Sturgul said, was John Kalasardo, late owner of the Band Box, who struck Piippo, 45, on the head with a blackjack. Piippo was dead on arrival at a hospital.

Kalasardo, who was never charged with the slaying, died in Florida last year.

Sturgul said the FBI notified him that a witness at the Madison trial of suspended Iron County Circuit Judge Alex Raineri saw Piippo's slaying. Piippo was involved in a scuffle with Ronald Kivi, who was charged with the killing, but was released because of lack of evidence.

It was believed that Piippo was either knocked or fell to the floor, hitting his head.

The FBI told Sturgul that now that Kalasardo is dead, the witness said "the truth" of the slaying could be told. The witness, however, did not want his name used.

"We believe the evidence we got is credible," the district attorney said, adding he believed Kalasardo was the slayer. "The case is closed."

194-35-516

SEARCHED	INDEXED
SERIALIZED	FILED
APR 2 1981	
FBI—MILWAUKEE	

b6
b7C

17/DOJ

(Indicate page, name of newspaper, city and state.)

A-3

Date: 2/26/81
Edition: Daily
Ironwood Daily Globe
Ironwood, MI.

Title:

Character:

or

Classification: 194-35
Submitting Office: Milwaukee

(Mount Clipping in Space Below)

Man Jailed After Entry

Hurley man listed as having no fixed address was taken into custody by Ironwood police Wednesday morning in a city home. Officers were called at 7:15 about the entry to the 720 Hill St. address of Corrine Alexandroni.

They said they apprehended Robert (B.B.) Vernetti and charged him with illegal entry.

Verneti was taken to Belsemer, appeared in district court, was assessed \$70 fine and costs and sentenced to spend 30 days in the lockup.

194-35-517

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 2 1981	
FBI-MILWAUKEE	

b6
b7C

(Indicate page, name of A-1 newspaper, city and state.)

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSINDate: 3/7/81
Edition: FINAL

(Mount Clipping in Space Below)

Title:

Character:

or

194-35

Classification:

Submitting Office: MILWAUKEE

Hurley judge given 3-year prison term

By ELDON KNOCH
Sentinel Madison Bureau

Madison — Alex Raineri, an Iron County circuit judge since 1978, was sentenced to three years in federal prison and fined \$15,000 Friday by Federal Judge Barbara Crabb.

Raineri, 62, was convicted last December of lying to a federal grand jury, threatening a woman who was to testify before the jury and three counts of helping to run a prostitution business in Hurley.

He remains free on a signature bond pending outcome of an appeal his attorneys intend to file Monday with the 7th US Circuit Court of Appeals in Chicago.

He has been suspended from the bench without pay since June by the State Supreme Court and lost his judgeship automatically with the sentencing. Gov. Dreyfus must appoint a new circuit judge who will serve until after an election in April 1982.

Judge Crabb said Raineri showed "a shameless disregard for the laws he was elected to uphold."

She said she was imposing the sentence as a deterrent to others "who might be tempted to engage in similar acts of public and private corruption."

His crimes are "egregious" considering he was the Iron County district attorney for 18 years and a judge, she said.

"My observation of the defendant during the course of the trial has convinced me that he lacks any recognition of the seriousness of his activities," she said.

Raineri was convicted after a three-week jury trial in which witnesses testified he played a major role in prostitution at the Show Bar, a Hurley nightclub that burned in 1979.

A key prosecution witness was the bar's owner, Cira Gasbarri, who claimed she and Raineri had been lovers. He denied that.

Judge Crabb fined him \$5,000 on each of the three counts of promoting prostitution.

The trial jury decided he lied to the grand jury when he

denied, under oath, that he and Ms. Gasbarri did not travel together to a judicial conference in Reno, Nevada, in 1978.

Judge Crabb sentenced Raineri to a year in prison on that conviction.

The trial jury also convicted him of obstructing justice by sending a threatening message to Patricia Colassaco, a former bartender at the Show Bar who was called before the grand jury investigating Raineri.

He received a two-year sentence for that.

Judge Crabb said the prison terms will run consecutively.

Before the sentencing, Raineri declined to make any statement to the court. However, one of his attorneys, Gene Linehan, of Wausau, said Raineri was broke.

The cost of Raineri's defense so far has been \$62,000. His only assets are 60 acres of land in Arizona worth about \$6,000 and a half interest in a Hurley office building, Linehan said.

Judge Crabb said Raineri must pay the

\$15,000 fine within six months after the start of his imprisonment.

She said he may not go farther outside Wisconsin than 35 miles or to the court in Chicago, Ill., without her permission.

Linehan later told reporters the sentence was "less than I expected."

He said that Judge Crabb placed the prison terms on the two non-prostitution convictions, making them more difficult to overturn on appeal.

Judge Crabb criticized both the handling of Raineri's defense and the way his attorneys characterized Hurley.

194-35-518
SEARCHED INDEXED
SERIALIZED FILED

FBI-MILWAUKEE

FBI/DOJ

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b7c

She said she suspected Raineri "did not fully inform his lawyers of much of the potentially inculpatory evidence against him because of his inability or unwillingness to acknowledge evidence.

"That might explain the largely hapless manner in which the case was defended and the otherwise inexplicable decisions to have the defendant take the stand and to call as defense witnesses the persons possessing the most incriminating information about the defendant.

"Throughout the trial, defendant's counsel referred to life in Hurléy as a unique

society, a place unknowable by those of us who live in southern Wisconsin in more populous areas, implying that Hurléy, and the people who lived there, should not be judged by the same standards applicable to other parts of the state," Judge Crabb said.

"To the extent counsel intended to mean that the people of Iron County neither want nor are entitled to a fair, even-handed and non-corrupt form of justice, I reject emphatically any such implication."

She described Raineri as "a man no longer young, his life in ruins, his health in some jeopardy, having suffered the humiliation of a public trial which revealed both his professional and his private lives to be facades without substance or foundation."

She said the maximum sentence of 25 years and \$45,000 would not be appropriate because Raineri is no longer a danger to society and any possibility of rehabilitation "is questionable."

"Other persons holding or aspiring to public office should know that if they act to obstruct, impede or corrupt the processes of government, they will not go unpunished."

(Indicate page, name of A-1
newspaper, city and state.)IRONWOOD DAILY GLOBE
IRONWOOD, MICHIGAN

Date: 3/7/81

Edition: FINAL

(Mount Clipping in Space Below)

Raineri Gets 3 Years, \$15,000 Fine

BY DENNIS McCANN
Globe Madison Bureau
MADISON, Wis.

Former Iron County Judge Alex Raineri was sentenced Friday to three years in prison and fined \$15,000 for promoting prostitution in Hurley.

Raineri, 62, declined to make a statement and showed little emotion as U.S. Judge Barbara Crabb pronounced sentence.

Raineri, a former state legislator and Iron County district attorney, will

remain free pending appeal.

He voluntarily surrendered his license to practice law last month.

Raineri was convicted in December on three counts of promoting prostitution at the former Show Bar nightclub, one count of lying to a federal grand jury investigating his activities and one of threatening a grand jury witness.

Judge Crabb said the activities are serious

violations but when committed by a person who had been a prosecutor and judge, "the activities are egregious.

"My observation of the defendant during the course of the trial has convinced me that he lacks any recognition of the seriousness of his activities," Judge Crabb said.

Raineri was convicted "of acts corruptive of the very system over which he presided. Although, he

evinces little recognition of the implications of what he has done, his actions reveal to others a shameless disregard for the laws he was elected to uphold and for the people whose rights he was sworn to protect," she said.

Judge Crabb said the sentence takes into account Raineri's age and health but is "sufficiently severe to act as deterrent to anyone who might be tempted to engage in similar acts of public and

private corruption."

The former judge's refusal to "reveal much of himself" to federal probation officials makes it more difficult for her to understand him or his offense, Judge Crabb said. She said Raineri, perhaps through some psychological defense mechanism has created his own view of what happened and refuses to acknowledge evidence that goes against his theory.

Judge Crabb said she believed Raineri did not fully inform his lawyers of the evidence against him. That might explain "the largely hapless manner in which the case was defended." She said she could not understand why defense attorneys called as witnesses Raineri and persons possessing incriminating information about him.

Judge Crabb said her objective was to deter other public officials from

committing similar acts. Raineri is no longer a danger to society, she said.

Judge Crabb took exception to reference by Gene Linehan, Raineri's attorney, that Hurley was "a unique society." She said she rejects emphatically any implication "that the people of Iron County neither wanted nor are entitled to a fair, even-handed and non-corrupt form of justice."

It is precisely because the people of Iron County



ALEX RAINERI

194-35-519

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 10 1981	
FBI - MILWAUKEE	

b6
b7c

and everywhere else in the state of Wisconsin expect and deserve a judiciary guided by the principles of fairness and integrity that the defendant's acts must be met with severity," she said.

Raineri was fined \$5,000 for each count of using interstate facilities to promote prostitution. He was sentenced to one year in prison for lying to the grand jury and two years for threatening a witness. The terms will be served consecutively.

Linehan, who said an appeal will be filed Monday with the 7th U.S. Court of Appeals in Chicago, said the sentence was less severe than he expected. He expressed confidence the convictions will be reversed.

Linehan told Judge Crabb that Raineri's legal fees and trial costs have amounted to \$62,000, not including costs of an appeal. He said Raineri has sold his stock portfolio to cover his expenses.

Linehan said Raineri's assets now include 60 acres of land in Arizona, half interest in an office building on Silver St. in Hurley and his home in Hurley.

(Indicate page, name of A-1 newspaper, city and state.)

IRONWOOD DAILY GLOBE
IRONWOOD, MICHIGAN

Date: 3/7/81

Edition: FINAL

(Mount Clipping in Space Below)

Residents Supportive of Raineri

BY DENNIS McCANN
Globe Madison Bureau

MADISON, Wis. — Iron County residents have been very supportive since former Judge Alex Raineri was convicted of promoting prostitution, especially one woman who lights a candle to the Blessed Virgin on Raineri's behalf each day.

"We have people coming by and talking all the time," said Raineri's wife, Doris. "And fan-mail, you wouldn't believe."

A friend named Betty spends one dollar a day to light the candle at St. Mary's Catholic church.

The thought of such friends made Mrs. Raineri smile but did not erase the tears that welled in her eyes as she talked of her life following her husband's conviction. Just minutes before, a federal judge had sentenced Raineri to three years in prison and fined him \$15,000 for promoting prostitution at the former Show Bar nightclub, lying to a grand jury and threatening a former bartender who testified before the jury.

The Raineris have steadfastly maintained his innocence, saying his involvement was limited to legal work on behalf of Cira Gasbarri, the bar's former owner and chief government witness against Raineri.

However, in a five-week trial in November and December, federal prosecutors painted a different picture. The government's evidence included Show Bar checks bearing Raineri's handwriting and fingerprints and the testimony of former prostitutes and bar employees, who described Raineri and Mrs. Gasbarri as lovers who promoted prostitution in Hurley.

The government said Raineri profited handsomely from his activities. A federal jury agreed and found him guilty on all counts.

Following the sentencing Friday, Mrs. Raineri expressed bitterness that the jury believed Mrs. Gasbarri, a former mental patient.

But Mrs. Raineri said, "I guess we'll survive, some way, somehow."

Mrs. Raineri said her husband, who declined to make a statement at his sentencing, has been kept busy since his trial ended. He works on cars or goes walking with his new dog, a mixture of shepard, husky and wolf, she said.

Raineri will remain free pending appeal.

He has been suspended from the bench since he was indicted last summer. His case load in Iron County Circuit Court has been handled by visiting judges but a spokesman for Gov. Lee Dreyfus said a replacement probably will be appointed soon.

Only two candidates, Iron County District Attorney Paul Sturgul and former Judge Francis Fassino, who was defeated by Raineri in 1978, have expressed interest in the position. Sturgul, a Democrat, is reportedly being supported by Republicans over Fassino.

Paul Swain, Dreyfus' legal counsel, said the news of Raineri's sentencing may prompt other lawyers to express interest in the seat, including some who might decide to move into Iron County to qualify.

Title:

Character:

or

194-35

Classification:

Submitting Office: MILWAUKEE

194-35-520

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b7C

FBI/DOJ

(Indicate page, name of A-1 newspaper, city and state.)

MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 3/7/81

Edition: LATEST

(Mount Clipping in Space Below)

Raineri given 3 years

Ex-Hurley-judge

also fined \$15,000

By Richard C. Klenitz
Journal Madison Bureau

Madison, Wis. — Alex Raineri, a former Iron County circuit judge, was sentenced Friday to three years in a federal prison and fined \$15,000.

Raineri, 62, was convicted in December of participating in a prostitution business, lying to a grand jury and threatening a prospective witness.

Federal Judge Barbara Crabb said she was imposing a sentence that took into account Raineri's age and state of health, "yet is sufficiently severe to act as a deterrent to anyone who might be tempted

to engage in similar acts of public and private corruption."

Raineri could have been sentenced to 25 years in prison and fined \$45,000.

His attorneys, Gene and Daniel Linehan, said an appeal would be filed Monday with the 7th US Circuit Court of Appeals at Chicago. They said the appeal would be based on the same 13 grounds on which he had asked for a new trial. The new trial was denied.

Raineri, who lives at Hurley, was released without bond on condition that he not go beyond 35 miles from Wisconsin, except to Chicago for appeal purposes,

without prior permission of Crabb and that he arrange to report weekly to the US marshal in Madison by telephone.

Gene Linehan said the sentence was less than expected. Raineri waived his right to comment prior to sentencing.

His wife tugged her fingers as she watched. She choked back some tears in the corridor when talking to reporters, but said, "I guess we'll survive if we can keep the right mental attitude."

Linehan notified Crabb that Raineri submitted his resignation as a lawyer in Wisconsin a month ago and that it had

been accepted by the Board of Professional Responsibility and forwarded to the State Supreme Court.

The Supreme Court had suspended Raineri until the outcome of the trial. He was technically removed from the bench Friday because a person convicted of a felony cannot hold public office in Wisconsin.

Raineri was indicted last June by a grand jury on five counts. They included three counts of participating in operation of the Show Bar at Hurley, which allegedly was involved in prostitution across the Michigan-Wisconsin state line; lying to the jury about a trip to Reno, Nev., with Cira Gasbari, 45, owner of the bar, and threatening a woman expected to testify to the jury.

He was fined \$5,000 on each of the first three counts and given one year in prison for perjury and a consecutive two years in prison for threatening the witness. If he is sent to prison he would probably be eligible to request parole when a third of the term had been served.

He was found guilty by a jury of eight men and four women after a 16-day trial here.

Comments by Crabb

US Atty. Frank Tuerkheimer told Crabb that the action of Raineri, who also had served in the Wisconsin Assembly, was the type that affected the confidence of people in the dispensing of justice.

The judge said that sentencing anyone was the "most wrenching duty" for a judge and that "imposing a sentence upon a person who is himself a judge accentuates the poignant nature" of the task.

"For reasons of his own," she said, "the defendant has chosen not to reveal himself to the probation officer (in the pre-sentence investigation)," adding that that lessened her ability to understand him.

"Considered in a vacuum," she said, "these activities are serious violations. Considered as having been committed by a person who had been a prosecuting attorney for 18 years and a state judge for 15 years, the activities are egregious."

"My observation of the defendant during the course of the trial has convinced me that he lacks any recognition of the seriousness of his activities. I suspect that, through some psychological defense mechanism, he has created his own view of what



Alex Raineri

happened and simply omits or refuses to acknowledge any evidence tending to contradict the theory that he has constructed."

Because of his unwillingness to acknowledge the evidence, she said that she suspected he did not inform his lawyers of much of the potential evidence against him.

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Is Hurley unique?

Throughout the trial, Crabb noted, defense attorneys referred to "life in Hurley as a unique society, a place unknowable by those of us who live in southern Wisconsin, and the people who lived there should not be judged by the same standards applicable to other parts of the state.

"What they meant by these references was never made clear, but to the extent counsel intended them to mean that the people in Iron County neither want or are entitled to a fair, even-handed and non-corrupt form of justice, I reject emphatically any such implication."

Gene Linehan told the judge that while Raineri had listed considerable blue chip assets when he became judge they no longer existed. To date, he said, the trial had cost Raineri \$62,000 and his only assets now were his home, 100 acres of land in Arizona estimated to be worth \$100 an acre, and a half interest in a Hurley office building where his office had been when he was an attorney.

Mrs. Raineri said Hurley people had been "beautiful" to her and her husband, "They really have been. I get fan mail you wouldn't believe."

Raineri kept busy working on the family cars and other things around the house and walking the new dog he bought him, his wife said. She added, "It's part German shepherd, part Siberian Husky and part wolf, and it howls."

UNITED STATES ARMY






PERSONAL IDENTIFICATION

Name RAINIER ALFRED JOSEPH
(surname) (Given name) (Middle name)
(Please type or print plainly)

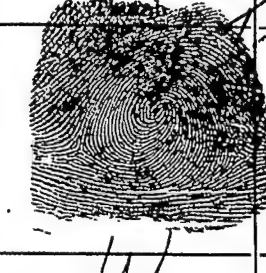


Classification 20 MIS ROME 17
1280111

Color Blue Sex Male Reference _____

RIGHT HAND

1. Thumb	2. Index finger	3. Middle finger	4. Ring finger	5. Little finger
				

LEFT HAND

6. Thumb	7. Index finger	8. Middle finger	9. Ring finger	10. Little finger
				

Impressions taken by:

Note amputations

Signature:

Sgt 

Alfred J. Rainier b6
b7C

Four fingers taken simultaneously

Left Hand (

Left thumb

Right thumb

Right Hand

Four fingers taken simultaneously



SEARCHED

194-35-522

b6
b7C

SENTENCING STATEMENT OF
UNITED STATES DISTRICT JUDGE BARBARA B. CRABB

U.S.A. v. Raineri

80-CR-29

March 6, 1981

Imposing a sentence upon another human being is the most wrenching duty a judge performs. Imposing a sentence upon a person who is himself a judge accentuates the poignant nature of a task which requires one human of limited wisdom and imperfect understanding to determine the range of punishment to be imposed upon another.

In every sentencing, the judge's task begins in the same manner; that is, in trying to understand as much as possible about the defendant and about the crimes he has committed and then to evaluate this information in light of the objectives of sentencing.

In this case, what I know of this defendant and the crimes for which he has been convicted has come from the presentence report and from my own observations during 16 days of trial. For reasons of his own, the defendant has chosen not to reveal much of himself to the probation officer. That is his decision to make. I do not condemn it, but I note that it lessens my ability to understand the defendant.

The evidence at the trial showed that the defendant had been associated for a considerable period of time with the operation of a

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business involving the illegal activity of prostitution; that he lied to a federal grand jury investigating the matter of his association with such an enterprise; and that he threatened a prospective grand jury witness. Considered in a vacuum, these activities are serious violations. Considered as having been committed by a person who had been a prosecuting attorney for 18 years and a state court judge for 1 and 1/2 years, the activities are egregious.

My observation of the defendant during the course of the trial has convinced me that he lacks any recognition of the seriousness of his activities. I suspect that, through some psychological defense mechanism, he has created his own view of what happened and simply omits or refuses to acknowledge, any evidence tending to contradict the theory he has constructed.

I suspect, also, that defendant did not fully inform his lawyers of much of the potentially inculpatory evidence against him because of his inability or unwillingness to acknowledge that evidence. That might explain the largely hapless manner in which the case was defended and the otherwise inexplicable decisions to have the defendant take the stand and to call as defense witnesses the persons possessing the most incriminating information about defendant. However, it may be the case that counsel themselves did not fully appreciate the weight and breadth of the evidence against the defendant or the significance of the charges against him.

Throughout the trial, defendant's counsel referred to life in

Hurley as a unique society, a place unknowable by those of us who live in southern Wisconsin in more populous areas, implying that Hurley, and the people who lived there, should not be judged by the same standards applicable to other parts of the state. What they meant by these references was never made clear, but to the extent counsel intended them to mean that the people of Iron County neither want nor are entitled to a fair, even-handed, and non-corrupt form of justice, I reject emphatically any such implication.

It is precisely because the people in Iron County and everywhere else in the state of Wisconsin expect and deserve a judiciary guided by principles of fairness and integrity, that defendant's acts must be met with severity. Other persons holding or aspiring to public office should know that if they act to obstruct, impede, or corrupt the processes of government, they will not go unpunished.

Defendant stands before this court convicted of acts corruptive of the very system over which he presided. Although he evinces little recognition of the implications of what he has done, his actions reveal to others a shameless disregard for the laws he was elected to uphold and for the people whose rights he was sworn to protect.

He stands here also as a man no longer young, his life in ruins, his health in some jeopardy, having suffered the humiliation of a public trial which revealed both his professional and his private lives to be facades without substance or foundation. If life in Hurley is an open book, as

defendant's lawyers are fond of saying, defendant's life is now more open than most. His most serious crimes and pettiest habits have been exposed to the world through newspaper and television accounts of this trial.

To impose the full range of penalties upon this man, at his age and in his precarious health, who has been so thoroughly and publicly shamed, would be a gratuitous cruelty, not serving any proper objective of sentencing. In defendant's case, the only proper objective is the one of deterring others. Defendant himself will be deterred sufficiently by the indirect consequences he has suffered from the prosecution and subsequent conviction. At this stage of his life, his amenability to rehabilitation, in the sense of a change of character, is questionable. He is no longer in a position to pose a danger to society.

I am imposing upon defendant a sentence which takes into account his age and state of health yet is sufficiently severe to act as a deterrent to anyone who might be tempted to engage in similar acts of public and private corruption.

IT IS ORDERED that

With respect to Count I, defendant is fined the sum of \$5000;

With respect to Count II, defendant is fined the sum of \$5000;

With respect to Count III, defendant is fined the sum of \$5000;

With respect to Count IV, defendant is hereby committed to the custody of the Attorney General or his authorized representative for a

term of one year, pursuant to 18 U.S.C. §4205(b)(2);

With respect to Count V, defendant is hereby committed to the custody of the Attorney General or his authorized representative for a term of two years, pursuant to 18 U.S.C. §4205(b)(2).

IT IS FURTHER ORDERED that the terms of imprisonment imposed on Counts IV and V are to run consecutively.

STATISTICS LETTER

TO: DIRECTOR, FBI

Date: 3 / 11 / 81

FROM: SAC, MILWAUKEE

194B	1122
Bureau File Number	

194B	*	35
F.O. File Number		

SUBJECT: ALEX J. RAINERI
 Circuit Judge
 Hurley, Wisconsin
 HOBBS ACT - Official Corruption;
 ITAR - Prostitution; ITAR - Bribery;
 PERJURY; OOJ
 OO: MILWAUKEE

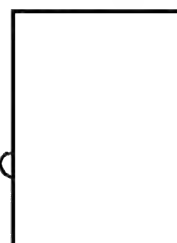
<p>A. PRELIMINARY JUDICIAL PROCESS (No. of Subjects)</p> <p>1. <u> </u> Complaint 2. <u> </u> Information 3. <u> </u> True Bill 4. <u> </u> No Bill</p>	<p>D. ARRESTS / LOCATES / SUMMONS (No. of Subjects)</p> <p><u>FUGITIVE PRIORITY</u></p> <table border="0"> <tr> <td><u> </u> A</td> <td><u> </u> B</td> <td><u> </u> C</td> <td></td> </tr> <tr> <td>1. <u> </u></td> <td>2. <u> </u></td> <td>3. <u> </u></td> <td>- FBI Arrests</td> </tr> <tr> <td>4. <u> </u></td> <td>5. <u> </u></td> <td>6. <u> </u></td> <td>- FBI Locates</td> </tr> <tr> <td colspan="3">7. <u> </u> Criminal Summons</td> <td></td> </tr> </table>	<u> </u> A	<u> </u> B	<u> </u> C		1. <u> </u>	2. <u> </u>	3. <u> </u>	- FBI Arrests	4. <u> </u>	5. <u> </u>	6. <u> </u>	- FBI Locates	7. <u> </u> Criminal Summons			
<u> </u> A	<u> </u> B	<u> </u> C															
1. <u> </u>	2. <u> </u>	3. <u> </u>	- FBI Arrests														
4. <u> </u>	5. <u> </u>	6. <u> </u>	- FBI Locates														
7. <u> </u> Criminal Summons																	
<p>B. FINAL JUDICIAL PROCESS (No. of Subjects)</p> <p>1. <u> </u> Pretrial Diversion 2. <u> </u> Dismissal 3. <u> </u> Acquittal 4. <u> </u> Conviction-Misdemeanor 5. <u> </u> No. of Counts 6. <u>1</u> Conviction-Felony 7. <u>5</u> No. of Counts</p>	<p>E. RECOVERY AND LOSS PREVENTED</p> <p>1. Recovery \$ <u> </u> 2. Potential Economic Loss Prevented \$ <u> </u></p>																
<p>C. SENTENCES (No. of Subjects)</p> <p>1. <u>1</u> Confinement 2. <u> </u> Probation 3. <u> </u> Suspended 4. <u> </u> Fine 5. \$ <u>\$15,000</u> Amount of Fine</p>	<p>F. CIVIL MATTERS</p> <p><u>Government Defendant</u></p> <p>1. Amount of Suit \$ <u> </u> 2. Settlement or Award \$ <u> </u></p> <p><u>Government Plaintiff</u></p> <p>3. Amount of Suit \$ <u> </u> 4. Settlement or Award \$ <u> </u></p>																

REMARKS: On 12/17/80, Raineri found guilty on all counts by trial court jury. On 3/6/81, Subject sentenced in U. S. District Court, Western District of Wisconsin, Madison, Wisconsin, to fines of \$5,000 each on three counts of ITAR-Prostitution; one year in custody for Perjury, and two years consecutive custody for Obstruction of Justice.

2 - Bureau
 2 - Milwaukee
 1 - 194B-35
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* Include mass letter if applicable.



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Close #6

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194-35-524 FBI/DOJ

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

WISCONSIN STATE JOURNAL
MADISON, WISCONSIN

Date: 3/7/81

Edition: FINAL

Title:

Character:

or 194-35

Classification:

Submitting Office: MILWAUKEE

Judge sentenced in prostitution case

By Anita Clark
Of The State Journal

Circuit Judge Alex J. Raineri was allowed to remain free Friday after being sentenced to three years in prison and fined \$15,000 on federal charges involving prostitution in Hurley.

Raineri, 62, was fined \$5,000 on each of three charges of interstate transactions to promote prostitution, and sentenced to one year for perjury and two years for threatening a witness.

The sentence was imposed by U.S. District Judge Barbara B. Crabb, who said Raineri's crimes "reveal to others a shameless disregard for the laws he was elected to uphold."

She presided at the 16-day jury trial in December in which Raineri was found guilty of involvement with prostitution at the Show Bar, a Hurley tavern.

With no objection from U.S. Attorney Frank Tuerkheimer, Raineri was



Judge Raineri

released on his own recognizance with conditions while his case is appealed.

Defense attorney Gene Linehan said he expects an appeal notice to be filed Monday with the 7th U.S. Circuit Court of Appeals in Chicago.

"I think that the appeal is well-founded and I'm sure it (the conviction) will be reversed," he said. His

brother, Daniel Linehan, also defended Raineri.

Raineri's judgeship became vacant when the felony sentences were imposed, said Natalie Smith, director of the State Judicial Commission. She said the commission will drop its misconduct complaint against Raineri.

He became a judge in 1977 after serving 18 years as Iron County district attorney. Raineri, who was suspended in June when he was indicted, has petitioned for revocation of his law license.

With harsh words for Raineri and his lawyers, Judge Crabb said the crimes were flagrant for a public official.

She said observing Raineri during his trial "has convinced me that he lacks any recognition of the seriousness of his activities."

"I suspect that, through some psychological defense mechanism, he has created his own view of what happened and simply omits or refuses to

acknowledge any evidence tending to contradict the theory he has constructed."

The sentencing hearing was surprisingly brief, about 20 minutes, because Raineri said nothing "on the advice of counsel" and his attorneys said little beyond citing the \$62,000 cost of his defense so far.

Tuerkheimer, who spoke very briefly, said conduct like Raineri's undermines public confidence in the justice system.

Judge Crabb said she suspects Raineri did not fully inform his lawyers of much of the potential evidence against him.

"That might explain the largely hapless manner in which the case was defended and the otherwise inexplicable decisions to have the defendant take the stand and to call as defense witnesses the persons possessing the most incriminating evidence about defendant," she said.

The judge cited defense descriptions of Hurley as "a unique society, a

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place unknowable by those of us who live in southern Wisconsin."

Whatever was meant by that, she said, she rejects emphatically the idea that Iron County residents do not want or deserve fair, non-corrupt justice.

Judge Crabb, who had reviewed a federal presentence report on Raineri, also cited his age, ruined life and precarious health.

She said the trial "revealed both his professional and private lives to be facades without substance or foundation."

While Raineri is no longer in a position to pose a danger to society, a sentence must deter others who might be tempted to engage in "similar acts of public and private corruption," the judge said.

She ordered Raineri to pay the fines within six months after beginning his prison term and accepted proposed conditions of his release pending appeal.

Those conditions require prior

court approval for travel except within 35 miles of Wisconsin and to Chicago for his appeal. Raineri also must arrange a weekly telephone check-in with the U.S. Marshal's Service.

Gene Linehan said the appeal could take 18 months to two years if it goes to the U.S. Supreme Court.

He declined to comment on Judge Crabb's remarks about the defense.

Trial witnesses, including Show Bar owner Cira Gasbarri, said Raineri helped collect prostitution money from tavern dancers, wrote checks (the basis for the interstate transaction charges) and offered advice and assistance on tavern matters.

He also was convicted of lying to a federal grand jury when he denied traveling with Mrs. Gasbarri and of threatening a bartender before her grand jury testimony.

Raineri faced a possible maximum sentence of 25 years in prison and a \$45,000 fine.

Iron County District Attorney Reprimanded

By Ralph Ansami
Daily Globe Staff

Iron County District Attorney Paul Sturgul, Hurley, has been "severely reprimanded" by the Board of Attorneys of Professional Responsibility of the Wisconsin Supreme Court.

Sturgul is considered a leading candidate for the vacant Iron County judge's seat, left open following last week's sentencing of former Judge Alex Raineri, Hurley, on prostitution-related charges.

In a letter dated Dec. 29, 1980, Victor A. Miller, St.

Nazianz, chairman of the board, wrote the reprimand followed completion of an investigation of grievances filed by two persons concerning a traffic case. One is a Kimball resident and the other is an attorney who no longer practices in the area.

In the letter, Miller said Sturgul "...represented conflicting interests..." by conferring simultaneously about a pending matter he was prosecuting as district attorney and a civil claim "...arising out of the same occurrence..."

It was improper for

Sturgul to refer the Kimball man to a Houghton, Mich., attorney concerning the matter, Miller said. Sturgul was also criticized for allowing the Houghton attorney and the Kimball man to use Sturgul's conference room "...during the time you (Sturgul) were acting as District Attorney."

Miller said the board found when Sturgul discussed the traffic case with the Kimball man, Sturgul led him to believe "...a pending traffic citation would be dismissed and it would not be necessary for him to secure counsel for the purpose of defending the action."

Contacted about the reprimand Monday, Sturgul said it is "purely a private matter."

The district attorney referred the Daily Globe to Herb Terwilliger, Wausau, the attorney who has represented Sturgul in connection with the matter.

Terwilliger said he will recommend Sturgul sue the Daily Globe concerning the publication of information contained in what he referred to as a private reprimand.

"It would be a crime if you ran it," Terwilliger said after being informed the Daily Globe intended to publish a story on the board of attorneys' reprimand.

Michael G. Price, deputy administrator for the board of attorneys, said the letter sent to Sturgul was a private reprimand "under the board's rules."

Price said public reprimands are published in the State Bar of Wisconsin's bulletin. When attorneys are reprimanded in public, news releases are sent out to news agencies in the area where the lawyer practices, Price said.



PAUL STURGUL

He referred to the reprimand as "the least serious form of discipline" the board could issue.

"The giving of this reprimand concludes the Board's action on your file. You are informed, however, that if you are involved in any further unprofessional conduct, your entire file (including the matters for which this reprimand is being delivered) may be considered in conjunction with such charges," Miller wrote in his letter to Sturgul.

The letter concluded, "This reprimand is issued with the hope that it will be adequate to cause you to conform your conduct to acceptable standards in the future."

The attorney who issued the grievance against Sturgul said Monday the matter has been taken care of properly through the judicial process and he is satisfied "rights have been restored."

Sturgul said the Kimball man was found guilty in the traffic matter and was fined.

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state.)

Opinion

The Right to Know

Today's front page story disclosing a reprimand issued to Iron County District Attorney Paul Sturgul indicates the potential for conflicts or abuses that can arise from public officials acting as private attorneys.

These kinds of potential conflicts of interest can arouse distrust in the community and contempt for the due process of law that is a key ingredient in the American judicial system.

Today's story also points out the possibility the Globe will be sued for publishing the account of the reprimand.

The First Amendment is our guarantee that we, as American citizens, in this democracy, will have access to the information we need to make decisions required of us.

The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for the people to know.

The people's right to remain informed shall be protected so they may retain control over the instruments they have created.

The Daily Globe weighed the right to privacy of public officials and balanced that with the public's right to information regarding the conduct of elected officials.

The balance the Globe believes, is in the public's right to know and to decide.

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and Miller

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FBI/DOJ

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3/11/81

Sturgul Reprimand May Lessen His Chances of Becoming Judge

By DENNIS McCANN
Globe Madison Bureau

A reprimand of Iron County District Attorney Paul Sturgul by an arm of the Wisconsin Supreme Court could lessen his chances of becoming judge, an aide to Gov. Lee Dreyfus said today.

"It doesn't automatically eliminate someone but it obviously is not positive, particularly one as recent as that," said Paul Swain, Dreyfus' legal counsel.

Sturgul is one of several candidates for the Iron County circuit judge seat vacated last week when former Judge Alex Raineri was sentenced on prostitution-related charges. Dreyfus is expected to name a replacement later this spring.

Swain said the Sturgul reprimand complicates the appointment because there are so few lawyers in Iron County.

Sturgul received a severe reprimand from the Board of Attorneys of Professional Responsibility in December. The board determined he represented conflicting interests by conferring with a Kimball resident simultaneously about a pending matter he was prosecuting, and a civil claim, arising out of the

same occurrence. The board said Sturgul acted improperly in referring the man to another attorney to evaluate the claim and in allowing the attorney to use Sturgul's conference room.

Swain, who screens potential appointees for judgeships, said he had heard of the letter of reprimand but had not seen it.

When shown a copy he commented, "Good grief."

"It's a slap on the wrist but it's not devastating," he said. "But I'm not trying to make light of it. It is a problem. You've got to work within the lawyers available and there aren't many up there."

Swain said the most active campaigns are on behalf of Sturgul and former Iron County Judge Francis Fassino.

However, Swain said several attorneys from outside Iron County have expressed interest in the job recently and could be considered. The appointee does not have to be from Iron County but would have to move there before taking office.

Swain said the appointee would have to run for election to a full term in April 1982. That poses a problem for lawyers from outside the county because they would have to start campaigning at once, he said.

Date: 3-11-81

Edition:

Daily Globe

Title: Ironwood, Mich

p1

Character:

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Classification:

Submitting Office:

194B-35

FBI/DOJ

(Indicate page, name of A-1 newspaper, city and state.)

IRONWOOD DAILY GLOBE
IRONWOOD, MICHIGAN

Date: 3/25/81

Edition: FINAL

(Mount Clipping in Space Below)

Double Standard for Hurley and Madison?

By DENNIS McCANN
Globe Madison Bureau

MADISON — Alex Raineri learned a lot about downtown Madison last December — the stores, the restaurants and especially the federal court building, where he was on trial on charges growing out of prostitution activities in Hurley.

Sometimes, the former Iron County judge passed through the Capitol Rotunda, a shortcut from his attorney's office to the courthouse.

But when Raineri walked in other directions, for lunch or to unwind after a day in court, the scenery was not so stately or impressive.

Two blocks to the south of the courthouse was the Rising Sun, one of Madison's notorious massage parlors. To the north was Cheri's Massage Parlor, with its offer of "encounters." If court recessed late, Raineri's fellow walkers might be state employees on their way home from work, or perhaps, a few women just beginning work of a far different nature.

The irony of walking past evidence of prostitution in Madison while being tried for prostitution-connected offenses in Hurley was not lost on Raineri or Iron County residents who witnessed the trial. More than one northern son complained privately that Raineri's prosecution was another government swipe at old

Hurley, while new Madison and its vices went merrily on.

Was Hurley being picked on? Does the government have a double standard that depends on where the vice occurs?

"That's ludicrous. We didn't pick on Hurley," snapped U.S. Attorney Frank Tuerkheimer, who prosecuted Raineri.

"No, I don't think we wink at it," said Lt. George Silverwood of the Madison Police Department's vice squad. "We spend a considerable amount of time working on it, at considerable cost."

Both men said prostitution is a serious offense and should not be taken lightly. But they conceded the best efforts of local or federal officials will not wipe it out.

Tuerkheimer defended his prosecution of Raineri, saying the case developed because a citizen, Cira Gasbarri, owner of the former Show Bar, went to state officials with evidence that the judge had helped promote prostitution at her bar.

Tuerkheimer said his policy is to become involved in prostitution cases only if there are aggravating circumstances, such as public corruption, kidnapping, involvement of minors or violence. Raineri's activities constituted public corruption, Tuerkheimer said.

"It's not as if (FBI agent) Tom Berg was scouring

Iron County for somebody to testify against the judge. Cira Gasbarri went to the judicial commission. We took it to the grand jury...and slowly the case came together.

"If anybody sits here saying we were shooting for Hurley, that's ludicrous," he said. He also disputed the feeling that vice is allowed to operate freely downstate but prosecuted in Hurley.

"If you gave me a dollar for every prostitute arrested in Madison and Milwaukee and I gave you a dollar for every one arrested in Hurley, I bet I'd have more money than you," Tuerkheimer said.

He certainly would. In 1979, more than 1,000 prostitution arrests were made in Wisconsin. Milwaukee police made the most, 935. More than two-thirds of those arrested were men.

Last year, Madison police launched a crackdown when prostitution flourished right in the shadow of the Capitol dome. To combat a growing army of street-walkers, police sent out male and female undercover officers. The City Council passed an anti-loitering ordinance to give police a hand.

Silverwood said arrests doubled over the year before and, as in Milwaukee, the emphasis was on customers as well as hookers.

"We've tried to make it financially unrewarding and

we've tried to increase the risk of arrest for customers and prostitutes," he said.

But what about the massage parlors, which have continued to operate in spite of street arrests?

Madison has from three to five massage parlors, depending on how many are closed at any one time because of city attempts to drive them out of business. As in many other cities, the council has elected to combat massage parlors through zoning laws rather than nightly raids that tie up officers and court staffs and seldom close parlors very long.

Silverwood said to compile a case that will hold up in court, an officer would have to engage in an illegal act with a parlor employee.

"Even if we had an officer willing to do that, and obviously many of them aren't, the consensus in the district attorney's office is that having an officer go through that may not be worth the prosecution you'd get," he said.

The city has closed two parlors through its zoning powers and is working on others, Silverwood said. The problem is that approach takes several years, he said.

"We're not going to wipe out prostitution in the city of Madison or anywhere else. What we're looking at is controlling it as best we can," Silverwood said. "I don't think we wink at it."

Title:

Character:

or 194-b-35

Classification:

Submitting Office: MILWAUKEE

FBI/DO

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b7C

194-35-527



United States Department of Justice

UNITED STATES ATTORNEY

WESTERN DISTRICT OF WISCONSIN

P. O. Box 112, FEDERAL BUILDING

MADISON, WISCONSIN 53701

608-252-5158

FTS 364-5158

December 22, 1980

Mr. H. Ernest Woodby
Special Agent in Charge
Federal Bureau of Investigation
P. O. Box 2058
Milwaukee, WI 53201

Dear Ernie:

As you know, last Wednesday the jury returned a guilty verdict against Alex Raineri on all five counts in the indictment. I did not want to let this event pass without formally bringing to your attention the work of Special Agent [redacted]

[redacted] began the investigation about a year ago. After conducting a series of initial interviews, he discussed the case with me and for the next five months he continued the investigation in conjunction with this office and the grand jury. At all times he was thorough, careful and no detail was too unimportant for him to take care of. As a result by the time the indictment was returned in late June the contour of a very strong case against Alex Raineri was placed together and we were in a position to prepare for trial.

Over the next four months on an on-and-off basis, [redacted] continued to work on the case. At the same time, I know he was working on other major cases and I know that none of the many things he was working on suffered because he was spreading himself too thin. About a month ago we began the last-minute trial preparations and from November 24 to verdict, [redacted] has been in the United States Attorney's office six days a week and more nights than I care to remember.

The government's case involved 33 witnesses; the defense case involved another 23, and we put 4 witnesses on for rebuttal. As you can imagine, this was an extremely taxing experience since the day between 9:00 and 5:00 was taken up in court. [redacted] contribution to the process strikes me as a model for the significant input an experienced investigator can have into a complex trial. He assisted me in preparing witnesses, he assisted me in getting ready for cross examination, he made invaluable

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original
returned PF (SA [redacted])
[redacted]

SAC [redacted]
[redacted]
[redacted]

194-35-528

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Mr. Ernest H. Woodby
December 22, 1980
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suggestions during the trial as to the questioning and cross examination of witnesses, and he provided me with valuable suggestions for the cross examination of the defendant and the government's summation. All of the above was done in a thoughtful and dispassionate manner so that the government's work during trial could proceed smoothly. There were a number of times we disagreed as to strategy: something which is inevitable when any two people work closely on a complex trial. In no circumstances where I rejected his suggestion did he ever say anything which indicated his displeasure with what was going on nor did he persist on questions that had already been decided.

The bottom line of all this is quite simple. [] presence at trial was a great asset for the government and from a personal point of view it was a great pleasure to work with him.

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I have the feeling that sometimes special agents do not fully understand the extent to which they can contribute during the trial and I suspect that Assistant United States Attorneys do not appreciate that such agents can be of assistance. I will talk to my staff and you might consider having [] talk of his experiences with other special agents so that they can share the benefits of his insights.

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Thank you again for all the support.

Sincerely,




Frank M. Tuerkheimer
United States Attorney

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RECORD OF INFORMATION FURNISHED OTHER AGENCIES

Orally 4/16/81 By Telephone _____ Written Communication _____
 (date) (date) (date)

Information concerning:

 Hurley, Wis.

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Information furnished from File, Serial, and Page Number: 194-35

☐ On _____ a continuing disclosure was initiated with
 (date)
 _____ and will be maintained until the con-
 (agency)
 clusion of the investigation.

☐ from informants

☐ from complainants or other sources

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Information furnished to:

SA 

IRS Intelligence
Wausau, Wis.


Number of items disseminated: 1

Remarks:

Copy of attached transcript from
trial in 194-35 furnished to SA
 for his investigative use.

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194-35-529



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1-194-35 (w/ transcript)
1-66-911

Special Agent

1 Q Did she look to other people for help too, if you know?

2 A I don't know if she did or not.

3 Q Did she ever tolerate prostitution in that bar to your
4 knowledge?

5 A Strictly not.

6 MR. DAN LINEHAN: That's all the questions
7 I have.

8 THE COURT: Mr. Tuerkheimer.

9
10 CROSS EXAMINATION

11 BY MR. TUERKHEIMER:

12 Q Miss DiGiorgio, in 1976 did you work at the Show Bar
13 every day?

14 A I was at the Show Bar every day, yes.

15 Q All right. And you weren't there every evening, though,
16 just every day?

17 A Cira would call me and I would work -- When Cira called
18 I would go up and I would work a few hours in the after-
19 noon, and I would come back and work a few hours at
20 night. If not, I would sit at the bar and watch that
21 there was no hanky-panky going on. That's what she wanted
22 me to do.

23 Q And you did that every day?

24 A Just about every day.
25

1 Q How much were you paid?

2 A Well, it depended how many hours I was there. Sometimes
3 she paid me \$20, sometimes she paid me \$30, sometimes she
4 gave me 45, sometimes she would give me 100. A lot of
5 time during the day when they were there, well, I would run
6 errands, either go to the store or go here; someplace we
7 needed something or other, well, I would run and get
8 errands, and clean, clean the dressing rooms.

9 Q So you earned anywhere from 25 to 100 dollars a day?

10 A Yes, I did.

11 Q And that was in all of 1976?

12 A Not all of 1976.

13 Q How much?

14 A Off and on when different things would--if she needed me,
15 she called me.

16 Q All right. Were you there every day the place was opened?

17 A The place was never opened during the day. There was no
18 business hours during the day.

19 Q I'm asking you if you were there every day when the
20 place was opened?

21 A Yes, at nighttime.

22 Q Yeah.

23 A But the place was not opened during the day. The place
24 was closed.

25

1 Q You worked there during the day to get it ready to clean
2 it up and then you worked in the evening?

3 A Yes.

4 Q And you did that every day the place was open?

5 A Yes, when it was open.

6 Q All right. Now how many times in 1976 did you do this?

7 A Oh, my God. When she had it open. There was times that
8 she had it open, there was times that it wasn't open at
9 all for two, three weeks. She wasn't dependable on
10 opening up a place every day.

11 Q Well, you worked there every day the place was opened?

12 A Every day the place was open, yes.

13 Q And is it your best estimate that the place was open,
14 what, every two out of three days?

15 A Sometimes she'd run it for a week and sometimes she would
16 lock her up for two weeks, and sometimes she would run
17 it for two days and then it was closed for a month; and
18 then she would open it again. And she didn't know what
19 she wanted, to be truthful.

20 Q I'm asking how many days a month was that place open?

21 A On the average of maybe, out of a whole month it might
22 be open two weeks if you wanted to put all the days
23 together.

24 Q All right. And you worked every one of those days in those
25

1 two weeks?

2 A Yes, I would. If I wasn't working I would be there with
3 her watching the bar or whatever.

4 Q And on each of those days that made up these two weeks
5 in that month you earned from 25 to \$100?

6 A I earned anywhere from 20 to \$100, yes.

7 Q All right.

8 MR. DAN LINEHAN: Your Honor, I may be
9 in error. I ask that this be specified somewhere
10 into time. If it already has, I apologize; but
11 to my knowledge I'm not sure what year.

12 THE COURT: Mr. Tuerkheimer was talk-
13 ing about the year 1976, I believe; is that right?

14 MR. TUERKHEIMER: Yes, Your Honor.

15 MR. DAN LINEHAN: All right.

16 BY MR. TUERKHEIMER:

17 Q So in 1976 you must have been working about 26 weeks
18 there if the place was open about half the time?

19 A Well, the place was open year round; but it might be
20 open for a week, it might be closed for a month. I
21 couldn't tell you exactly how many weeks or how many
22 days or whatever I worked because there is no way
23 possible to know.

24 Q I understand. But your best estimate is that the place
25

1 was open about half the time which meant that over the
2 full 52 weeks in 1976 you worked about 26 weeks; is that
3 right?

4 A I couldn't say for sure how many weeks. I couldn't put
5 a definite date on how many days that I worked or how
6 many I didn't because I can't tell you.

7 Q Well, do you think it was more than half, more than 26
8 weeks or was it less?

9 A Well, like I said, there was times that she was open,
10 there was times that she wouldn't open up for a month.
11 She would get in this mood, to hell with the joint and
12 I'm not opening. So I wouldn't know how many days that
13 we worked and how many days we didn't work. I wouldn't
14 know. She would know more about that than I do.

15 Q Again, when I asked you before you said that roughly
16 the place was open about two weeks in a month--not two
17 weeks running but over a full month it would be open
18 14 days or 14 nights.

19 A Yeah. And sometimes it would run for a whole month.

20 Q And that's your best estimate?

21 A Yes, right.

22 Q Now was it roughly the same pattern followed in 1977?
23 Was the place open about half the time?

24 A Yes.
25

1 Q And was that the same pattern in 1978?

2 A Yes, it was.

3 Q All right. So that means that the place was opened
4 about half the time. You worked about the equivalent
5 of 26 weeks in 1976, 26 weeks in 1977 and 26 weeks in
6 1978; is that right?

7 A Well, I worked during the day with her in the bar.
8 Whether the bar was open or not we were still in the
9 barroom doing different things in the barroom.

10 Q You mean you were working even when the place wasn't
11 open?

12 A Yes. There was remodeling, there was cleaning, there
13 was everything to do. You know. She said we were going
14 to open up tonight and she might not open up for a month.

15 Q About how many days in each week did you work there
16 when the place was not open?

17 A I was with Cira every day of the week when she was
18 around home and when she was sick. We were together
19 all the time; you could say that.

20 Q Did she pay you 20 to \$100 for each of those days?

21 A If I just run to the store to get a pound of coffee,
22 she would give me a \$20 bill. If I run to get some
23 cleanser for her, there was another \$20 bill. If I run
24 to Pedri to get shampoo, it was another \$20. She paid
25

1 me for the things that I done for her.

2 Q And she paid you the same way for your work at the Show
3 Bar?

4 A Yes, she paid me the same way. She paid me for cleaning,
5 she paid me for watching the bar, she paid me for bar-
6 tending.

7 Q And that was anywhere from \$20 to \$100 a day?

8 A Yes.

9 Q Now did you work six days a week or seven days a week?

10 A Well, during the day, yes, when I was with her we worked
11 around the club during the day I got paid. But there
12 was a lot of times the club was not open at night.
13 She never even opened up the club and she wasn't per-
14 mitted to be opened.

15 Q Well, all right. If you worked about 26 weeks in the
16 year, that's about 175 days a year. Is that fair?
17 That's seven times 26 is about 180. And you say you
18 were paid anywhere from --

19 A I don't understand what you're getting at. I know what
20 I worked and I know how she operated the club. And I
21 don't know what you are getting at, sir. I can't under-
22 stand your questions that way.

23 Q All right. Just why don't you just take my word for it
24 for a moment that 26 times seven is 180.
25

1 A I don't know. I only ent four grades of school. I
2 have no idea.

3 Q That's all right. Just accept it for a moment. Now if
4 you worked 26 weeks in the year, you worked about 180
5 days. Now you say you earned from 10 to \$100 a day,
6 right?

7 A I got paid by Cira Gasbarri anywhere from 10 to \$100 a
8 day. I didn't say every day. I said at times. There
9 were different times that I worked maybe from even 5:00
10 o'clock in the morning I would be in the club until
11 maybe closing hours at night. This is long hours and
12 she would pay me according to those hours that I worked.

13 Q So she paid you at least \$20 but maybe up to 100.

14 A Yes, she would. It depended upon how many hours I was
15 working a day and what I was doing, what type of work
16 I would be doing. If I was cleaning, remodeling or
17 anything like this, shampooing, things like this --
18 She would pay me different for each job is what I am
19 trying to explain to you.

20 Q Would it be fair and accurate to say the average pay
21 that you earned at the Show Bar was \$50 a day?

22 A It would be what?

23 Q Would it be fair and accurate to say that the amount of
24 pay that you averaged while working at the Show Bar was
25

1 \$50 a day?

2 A Well, if you want to put it down to an average we go
3 about \$45 a day if I wasn't doing extra jobs and running
4 all over town and cleaning her house and everything else
5 for her. There was different things that would be done
6 together, you know.

7 Q All right. If you worked 180 days in a year and your
8 average pay each day was \$45, that means you would have
9 earned a little bit more than \$8,000 in a year. Does
10 that sound about right?

11 A I don't know. I don't know nothing about arithmetic.
12 Like I said, I only went four grades in school and I
13 never had an education.

14 Q Well, you had to fill out tax returns, didn't you?

15 A I never filled out a tax return in my life.

16 Q You never filled out a tax return?

17 A No, I did not.

18 MR. DAN LINEHAN: I object to that on the
19 grounds of relevance.

20 THE COURT: What is the suggested
21 relevance?

22 MR. TUEBKHEIMER: Well, if she didn't
23 report the income she earned, I think that goes as
24 to whether or not she earned the income.

25

1 MR. DAN LINEHAN: I think the same could
2 be said for Miss Spears.

3 THE WITNESS: I was paid cash every time
4 I worked.

5 THE COURT: Well, Mr. Linehan --

6 MR. DAN LINEHAN: Yes, Ma'am.

7 THE COURT: Mr. Linehan, do you want to
8 be heard on the relevance as to this witness?

9 MR. DAN LINEHAN: Yes. I don't see that
10 what the relevance -- I don't understand the rele-
11 vance to the question with regard to this witness.
12 She answered it already.

13 I withdraw the objection as it stands
14 and ask that the matter be closed with that type
15 of inquiry. I have an objection to continuing on
16 as it's been asked and answered.

17 MR. TUEKHEIMER: I intend to continue
18 the line and I would be happy to explain why, Your
19 Honor, if the Court wants me.

20 MR. DAN LINEHAN: Well, Your Honor, I
21 would ask, I guess, that we approach the side bar
22 if Mr. Turekheimer wants to argue from it.

23 THE COURT: You may.
24
25

1 (Whereupon, a conference was held at
2 the bench between the Court, counsel for the parties
3 and the defendant as follows:)

4
5 MR. TUEKHEIMER: Your Honor, I believe
6 that I can show -- Well, let me start over again.

7 I don't think this witness worked at
8 the Show Bar the period of time that she says she
9 worked there. Now she has given very strong denial
10 to a lot of things that form part of the prosecu-
11 tion's case; and it seems to me that I can show
12 that she wasn't there as much as she says that she
13 was there.

14 We can take the test from her testimony.
15 If she didn't report that income, I think I can
16 argue to the jury that the reason she didn't report
17 that income is because she didn't earn it. It's
18 as simple as that. And it's for that reason that
19 I am getting into the tax question.

20 MR. DAN LINEHAN: She said she's never
21 filed one in her life as he says she never earned
22 a penny in her life; and I really don't think
23 whether or not --

24 THE COURT: That's something that could be
25 argued to the jury.

1 MR. DAN LINEHAN: Well, it's irrelevant.
2 He's asking her. It doesn't, to my mind, have any
3 bearing on whether or not you earned it. You saw
4 the witness's demeanor as well as I did, as well as
5 the jury did and as well as Mr. Turekheimer did.
6 And I don't think that the response that she was
7 always paid in cash, I think was easy enough to tell
8 where that response was coming from. I don't think
9 it's probative of whether or not you earned money
10 with regard to whether or not you report it. I
11 think Mr. Tuerkheimer is possibly -- I don't know
12 much about that area.

13 THE COURT: Surely you don't mean that.

14 MR. DAN LINEHAN: Of course, I do.

15 THE COURT: That it's not probative of
16 whether you earned the money whether you report it
17 or not?

18 MR. DAN LINEHAN: The Court has suggested
19 that people that earn money report it on their income
20 taxes routinely if they're paid in cash in Hurley,
21 Wisconsin.

22 THE COURT: It's not conclusive evidence,
23 but it is surely probative.

24 MR. DAN LINEHAN: We must have different
25 life experiences because to me it would be probative

1 the other way around. But I think that it's
2 extremely -- I don't know that it's too prejudicial
3 to the defense; but I'm not her lawyer. I don't
4 understand tax law that well and I don't know if
5 she's conceding to a crime. I don't know the de-
6 ductions she has. If she earns about \$8,000 a year
7 in cash and doesn't report it, I don't know what
8 that means.

9 THE COURT: Well, I do. It doesn't make
10 a lot of difference how many deductions she has
11 if it's \$8,000.

12 MR. DAN LINEHAN: You can't get that many.

13 THE COURT: She may not owe anything; but
14 that doesn't mean she doesn't need to file a return.
15 The cutoff is considerably lower than that.

16 MR. DAN LINEHAN: Well, I guess I'm not
17 here to protect the witness's rights. I object to
18 it as irrelevant and I will leave it at that. I
19 do not want any instructions given to the witness
20 from my part because, like I say, I don't represent
21 on behalf of the defendant and I don't want any
22 instructions given to her about it. Although it's
23 the Court's obligation, not the defendant's. I'm
24 not trying to interfere. That's just the way I
25 feel on behalf of Mr. Raineri.

1 THE COURT: I really don't have a strong
2 sense of when it is the Court's obligation to warn
3 somebody who is admitting to violating the criminal
4 law; and that is something that I am concerned about.
5 I think that I would like to take some time to check
6 into this at this point; but as far as the relevance
7 objection, that's overruled.

8 MR. DAN LINEHAN: Okay.

9 THE COURT: It's clear. But we will take
10 a fifteen-minute break, a guess a twenty-minute
11 break, because I would like to check what obliga-
12 tion I have to warn this witness.

13 MR. DAN LINEHAN: Sure.

14 MR. TUERKHEIMER: Your Honor, I don't
15 know where we are on this; but it seems to me that
16 if she invokes a privilege against self-incrimina-
17 tion on the tax law, I would move to strike the
18 testimony because, I mean, basically I have the
19 right to cross examine her about testimony which I
20 believe is inaccurate, namely, the amount of time
21 she worked at the Show Bar. And I just state that
22 for the record so that --

23 MR. DAN LINEHAN: I appreciate that; but
24 I think that happens any time any witness takes
25 the Fifth and I don't think that you can necessarily

1 strike what they say.

2 MR. TUERKHEIMER: Well, I think that a
3 motion to strike is directed to the discretion of
4 the Court to that portion of the direct examination
5 which has a logical link to the area where the
6 privilege against self-incrimination is involved.
7 It's not an automatic thing. It's a thing that
8 there has to be a logical connection; and I claim
9 that there is a very logical connection between --
10 It's a prior statement. She is saying here I
11 earned \$8,000 a year at the Show Bar and her tax
12 return, if there is such a thing, is a prior either
13 consistent or inconsistent statement. And I think
14 it obviously goes very closely to the direct
15 examination.

16 MR. DAN LINEHAN: Since it's proper to
17 lead on cross examination, I obviously didn't
18 and am not going to object if that's done. But
19 the Court heard the lengthy and repeated questions
20 with the Government's mathematics again and again
21 and again; and that's how we arrived at the \$8,000.

22 If the whole thing has been structured
23 in an attempt to find out whether or not she filed
24 taxes and move to strike her testimony, I think
25 that's improper because I think in essence when you

1 ask the same question four times and end up doing
2 the mathematics yourself, that you are going beyond
3 what the normal cross examination is. We're not
4 at that point anyway; so I would suggest we leave it
5 and see what her response is.

6 MR. TUEBKHEIMER: That's fair enough.

7
8 (Whereupon, said conference at the bench
9 was concluded.)

10 THE COURT: We'll take a recess now until
11 3:15.

12
13 (Whereupon a recess was taken at 3:00
14 o'clock p.m., after which said proceedings were
15 recommenced in open court out of the presence and
16 hearing of the jury as follows:)

17 THE COURT: Counsel, I just wanted to state
18 outside the presence of the jury that I will allow
19 Mr. Tuerkheimer's questions or his line of question-
20 ing and without comment.

21 Is there anything now before the jury is
22 called back?

23 MR. TUEBKHEIMER: Yes, Your Honor. I
24 thought I would save us a trip to the side bar in
25 front of the jury by raising a question now.